

Ontario

Government
Publications

CA24N
TR 80
- 83N32
v. 3

NIAGARA ESCARPMENT PROPOSED PLAN HEARING

Report of the Hearing Officers

A.L. McCrae, Chief Hearing Officer
W.T. Shrives, Hearing Officer
M.D. Henderson, Hearing Officer

Volume Three

January 1983

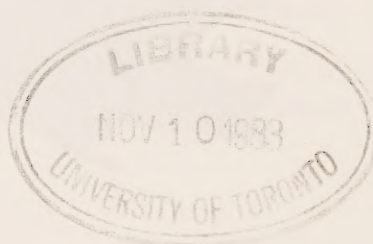
CA24N
TR 80
-83N32

Government
Publication

NIAGARA ESCARPMENT PROPOSED PLAN HEARING

REPORT

OF THE HEARING OFFICERS





Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761116495896>

NIAGARA ESCARPMENT PROPOSED PLAN HEARING

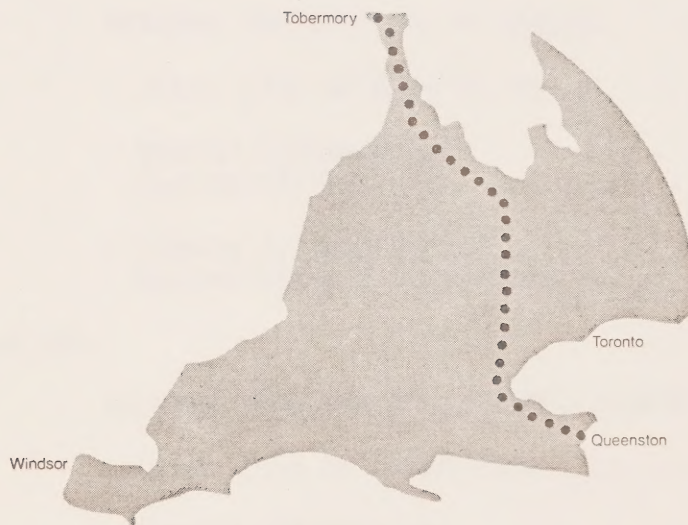
REPORT

OF THE HEARING OFFICERS

A. L. McCRAE, Chief Hearing Officer

W. T. SHRIVES, Hearing Officer

M. D. HENDERSON, Hearing Officer



WALTER W. GOWING, Chief Administrator
CAROL A. BEVERIDGE, Hearing Secretary

VOLUME THREE
JANUARY 1983

TABLE OF CONTENTS

VOLUME 3 - PHASE II HEARINGS

In Phase II, only presentations dealing with issues in specific sectors (individual counties and regions) of the area covered by the Proposed Plan were heard by the Hearing Officers

Section 100:

REGIONAL MUNICIPALITY OF NIAGARA

- Index: List of Submissions 571
- General Statement by
Hearing Officers 577
- Summary of Submissions,
Recommendations and Reasons 579

Section 200:

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

- Index: List of Submissions 743
- General Statement by
Hearing Officers 747
- Summary of Submissions,
Recommendations and Reasons 749

Section 300:

REGIONAL MUNICIPALITY OF HALTON

- Index: List of Submissions 833
- General Statement by
Hearing Officers 839
- Summary of Submissions,
Recommendations and Reasons 841

Section 400:

REGIONAL MUNICIPALITY OF PEEL

- Index: List of Submissions 983
- General Statement by
Hearing Officers 985
- Summary of Submissions,
Recommendations and Reasons 987

*This is Volume Three of a four volume report
by the Hearing Officers on the Niagara
Escarpment Proposed Plan. Please refer to
Volume One for a complete four volume Table
of Contents.*



PHASE II HEARING

THE

REGIONAL MUNICIPALITY OF NIAGARA



Ontario

Niagara Escarpment Proposed Plan Hearing

A. L. McCrae, Chief Hearing Officer
W. T. Shrives, Hearing Officer
M. D. Henderson, Hearing Officer

Walter W. Gowing
Administrator

INDEX

LIST OF SUBMISSIONS

PHASE II

REGIONAL MUNICIPALITY OF NIAGARA

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Alexander, Mrs. Marie	100-61	534	646
Andreychuk, Nick	100-28	515	621
Angle, Mrs. Marion	100-92	520	628
Armbruster, Steve	100-131	561	682
Baran, Margaret and Steven	100-84	523	631
Bartsch, M.L.	100-31	563	684
Beamer, Douglas	100-13	499	604
Biggar, Robert	100-59	555	673
Bigger, Glen	100-77	527	636
Bilbe, Neil	100-122	539	654
Bissell, Charles	100-108	580	702
Blaney, Alfred	100-130	560	681

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Bright, T. G. & Co. Limited	100-80	558	677
Brock University	100-69	535	648
Chambers, A. Barbara	100-48	514	620
Chetwynd, Peter	100-1	496	600
Coalition on the Niagara Escarpment	100-9	595	717
Costain Limited	100-24	508	613
Costello, Harold E.	100-16	502	607
Csets, Val	100-135	599	721
Daley, Dorothy	100-107	579	701
Deanfield Farms Limited	100-60	509	615
Devesne, B.	100-79	557	676
Dmytrow, Stephen	100-75	501	606
Doberstein, Albert J. Sr.	100-39	528	637
Eichmanis, Eric	100-78	526	635
Ellis, G.R. and Betty D.	100-45	503	608
Fishburn, Mrs. Helen	100-104	584	706
Foundation for Aggregate Studies	100-72	543	659
Fretz, Jim	100-36	512	618
Gauld, Rankin	100-42	547	663
Gibson, Dr. James A.	100-32	533	645
Grandoni, Miss Jean	100-74	544	660
Grandoni, Peter	100-73	559	680
Grant, Mr. and Mrs. Peter	100-110	577	699
Griffith, J.T.	100-125	525	634

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Grimsby, Town of	100-26	491	588
Hambleton, G. Robert	100-126	562	683
Hamilton Naturalists Club	100-53	600	722
Hansler, Blair W. and Joan A.	100-43	564	686
Harmes, Mrs. Ingrid	100-101	588	710
Hill, Rowland	100-121	569	691
Howey, A.E.	100-88	601	723
Hubbard, Mrs. D.	S 100-141	657	734
Jackson, Dr. John N.	100-56	537	651
Jakymyn, Stephen	100-47	545	661
Johnson, Raymond and Barbara	100-115	568	690
Johnson, Wayne	100-117	597	719
Kampco Recreation Limited	100-128	566	688
Knisley, Kenneth and Edna	S 100-139	655	732
Laughton, Mr. and Mrs. Greg	100-93	549	666
Lathrop, D.W.	S 100-138	654	731
Legros, Edward P.	100-17	505	610
Lincoln, Town of	100-52	492	592
Lookout Point Golf and Country Club and Concerned Citizens for the Fonhill Kame Moraine	100-30	542	658
MacKenzie, Mrs. Lois	100-91	522	630
MacRae, Dr. Donald C.	100-123	567	689
Main, Neil	100-96	570	692
Martin, Mrs. Madge	100-98	589	711
Martin, Dr. and Mrs. R.	100-67	538	652

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Mathais, Dorothy	100-113	574	696
Mathais, Mrs. Mary Anne	100-114	575	697
Melnechuk, Randy	100-133	596	718
Merritt, Robert	100-41	518	625
Mitchell, Keith	100-134	571	693
Morgan, Edward W.N.	100-112	573	695
Morse, Mrs. Mary	100-124	587	709
Mouriopoulis, Nick	100-8	498	602
Myers, Lloyd N.	100-25	519	627
McKinlay, Alistair	S 100-142	677	736
New England Slate Limited	100-119	583	705
Niagara Bruce Trail Club	100-35	540	655
Niagara Falls, City of	100-55	495	598
Niagara Falls Nature Club	100-68	517	624
Niagara-on-the-Lake, Town of	100-51	494	595
Niagara Peninsula Conservation Authority	100-76	553	671
Niagara Peninsula Investments Limited	100-83	510	616
Niagara, Regional Municipality of	100-2	489	581
Niagara Region Chamber of Commerce	100-57	554	672
O'Donoghue, Mrs. J. and Wrzesnewskyj, Mrs. R.	100-44	524	632
Oliver, Lloyd	100-18	511	617
Ontario Trail Riders Association	100-49	591	713

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Paolasini, Mr. and Mrs. A and Paolasini, Toni	100-46	546	662
Pelham, Town of	100-22	490	587
Peninsula Field Naturalists	100-87	550	667
Pennachetti, John T.	100-10	500	605
Phillips, Dr. J.H.H.	100-85	506	611
Phillips, Mrs. Jean	100-86	507	612
Pratten, F.R.	100-23	513	619
Preece, Mr. and Mrs. Norman	100-82	521	629
Preservation of Agricultural Land Society	100-71	532	642
Property Owners Rights Association	100-29	529	638
Reed, Mrs. Margaret	100-81	530	640
Reese, R. E.	100-100	598	720
Rice, Catharine B.	100-63	504	609
Rice, W.A.	100-111	572	694
Roberts, Albert E.	S 100-140	656	733
Robinson, Mrs. Anne	100-97	593	715
Roland, Mrs. Audrey	100-105	576	698
Saine, Dr. Joseph	100-21	516	622
St. Davids Sand and Gravel	100-70	541	656
St. John's Valley Community	100-95	581	703
Sametz, William and Rose	100-65	594	716
Scholn, Rolf H.	100-118	586	708
Sharpe, Mrs. Anne	100-106	578	700
Smith, Arthur	100-129	551	668

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Smith, Mrs. Deborah	100-102	585	707
Steed and Evans Limited	100-62	603	725
Summers, Mrs. Roy	100-6	497	601
Taylor, Mrs. C.	S 100-137	670	735
TCG Materials Limited	100-7	548	664
Thompson, J.B.	100-127	565	687
Thorold, City of	100-3	493	593
Tighe, Brian	100-99	592	714
Tolmie, Shirley	100-38	536	649
Tomarin, Harry P.	100-40	531	641
Vidal, James Jr.	100-132	552	670
Walker, Mrs. Sandra J.	100-103	590	712
Walker, W. Brian	100-94	582	704
Wessel, R.A.	100-136	602	724
Zmenak, Dr. Emil	100-33	556	675

PHASE II

GENERAL STATEMENT

REGIONAL MUNICIPALITY OF NIAGARA

The *Niagara Escarpment Planning and Development Act* in Section 10 (6) requires that "separate reports shall be submitted for each part of the Niagara Escarpment Planning Area for which a hearing or hearings was held".

In accordance with this requirement the report for the part of the Niagara Escarpment Planning Area within the Region of Niagara for which a hearing was held at St. Catharines together with a portion of the supplementary hearing held in Burlington consists of the summaries of each of the individual submissions.

The submissions for this section are numbered 489 to 603 inclusive, 654 to 657 inclusive, 670 and 677.

The report for this part of the Planning Area must be read in conjunction with the general section of this report.

Recommendations are contained in the following submissions for this section: 489, 490, 491, 493, 494, 495, 518, 541, 557, 599 and 603.

PHASE II

REGIONAL MUNICIPALITY OF NIAGARA

SUMMARY

OF

SUBMISSIONS, RECOMMENDATIONS AND REASONS

AGENT: Corwin T. Cambray, Manager, Policy Planning

GROUP: Regional Municipality of Niagara

SUMMARY OF SUBMISSION:

It can be safely said that the Region has always supported the concept of preserving the true Escarpment and closely related areas but has always had certain reservations about the overall size of the area to be included in a plan; secondly, the acceptance of urban area boundaries; and thirdly, the provision of allowing the development of existing vacant lots. Some of these problems are met with the reduction of the Planning Area but not all, and this submission covered the points which are still at issue. These are as follows:

1. In view of the fact that Jordan Harbour is not closely related to the Niagara Escarpment, it is recommended that the Jordan Harbour, Twenty Mile Creek Valley north of Middle Road (4th Avenue, Niagara Road 77) be deleted from the Proposed Plan.
2. The Lake Gibson area and part of the Lake Moodie area be deleted from the Proposed Plan. These lands do not form part of the Escarpment and it is not all publicly owned land. This recommendation does not extend to those portions which are close to De Cew Falls and the edge of the Escarpment.
3. Two areas designated as Escarpment Protection are unnecessary. One is a largely developed strip of land north of Niagara Road 81 (West Main Street) which may serve as a better boundary here. The other area is south of Regional Road 81 but not closely related to the Escarpment. It is, therefore, recommended that the Escarpment Protection Area north of Niagara Region Road 81 west of downtown Grimsby

be deleted. Also the Escarpment Protection Area south of Regional Road 81 in the west end of the Town of Grimsby be reduced by deletion from the Proposed Plan (Site 4).

4. That the Urban Centre designations in the Proposed Plan for Grimsby, St. Catharines and Thorold be deleted from the Plan.
5. That, in recognition of the approved Urban Areas boundaries, the areas identified as Sites 8, 9, 10, 11, 12 and 13 be deleted from the Proposed Plan.
6. That the Escarpment Rural Areas as identified on Exhibit 384 be deleted from the Proposed Plan subject to Recommendations 11, 12 and 13 below.
7. That the Escarpment Natural Area designation be extended to include those areas identified as Sites 14, 15, 16 and 17.
8. That the part of the Mineral Resource Area identified as Site 18 be changed to an Escarpment Natural Area to bring the designation boundary into conformity with the approved licensed area for Queenston Quarries Ltd.
9. That the Mineral Resource Area identified as Site 19 an Escarpment Protection Area south of Tice Road in the Town of Pelham, be deleted from the Proposed Plan.
10. That consideration be given to recognizing in the Proposed Plan the full extent of the licensed aggregate extraction area for Vineland Quarries Ltd. in the Town of Lincoln and Walker Brothers Quarries Limited in Niagara Falls.
11. That in those areas identified as Sites 20 to 26 inclusive where removal of the Escarpment Rural

designation would leave an Escarpment Natural designation without any abutting "buffer" designation the Escarpment Protection Area designation be extended to include part of the former Escarpment Rural Area.

12. That the areas closest to the Cave Springs Escarpment Natural Area and identified as Sites 27 and 28 be changed from Escarpment Rural Areas to Escarpment Protection Areas to provide a better buffer for this unique environmental site.
13. That minor changes from Escarpment Rural Areas to Escarpment Protection Areas be made for Sites 29, 30, 31 and 32.

Note: The site numbers referred to herein are those as shown on Exhibit 384.

EXHIBITS:

384. Niagara Escarpment Commission Proposed Plan Map 1 - Regional Municipality of Niagara, with additional markings by the Regional Municipality of Niagara entitled - Niagara Escarpment Plan and Proposed Changes.
385. Certified true copy of Resolution No. 13, dated May 7, 1981, The Regional Municipality of Niagara re Steed & Evans Limited.

RECOMMENDATIONS:

1. That the Plan be modified by deleting the Jordan Harbour, Twenty Mile Creek Valley north of Middle Road from the Proposed Plan.
2. That the Plan be modified by deleting the Lake Gibson Area and part of Lake Moodie be deleted

from the Proposed Plan (see maps in the Region of Niagara's submission).

3. That the Plan be modified by deleting the areas designated as Escarpment Protection to the west of the Town of Grimsby as shown on the maps attached to the Region of Niagara's submission as sites 3 and 4 on Exhibit 384.
4. None.
5. None.
6. None.
7. None.
8. We concur with this recommendation.
9. That the Plan be modified by deleting the whole area south of Tice Road as recommended by the Region but also including the adjacent Escarpment Rural Area.
10. That the Plan be modified to show the full extent of the licensed extraction areas as recommended by the Region.
11. None.
12. None.
13. None.

REASONS:

1. From the evidence adduced we are of the opinion that this area is not part of the Escarpment or lands in its vicinity. This is supported by the submission of the Region of Niagara, when they stated that this area is not closely related to the Escarpment.
2. From the evidence adduced we are of the opinion that this area is not part of the Escarpment.

3. We are of the opinion that these two areas make the buffer unnecessarily large in this area.
4. The matter of Urban Centres has been dealt with elsewhere in this report.
5. This matter is dealt with elsewhere in this report.
6. We are of the opinion that generally speaking these Escarpment Rural Areas should remain in the Proposed Plan although there may be individual sections of these Escarpment Rural Areas that have been dealt with elsewhere in this report in a different manner.
7. A recommendation elsewhere in this report covers the flexibility of boundary designations which we believe covers these concerns.
8. Niagara Escarpment Commission's staff at the hearing agreed with this recommendation of the Region.
9. The evidence adduced by the Niagara Escarpment Commission was not too supportive of this area being included in the Proposed Plan and we concur with the recommendation of the Region.
10. We believe that this is essential in view of the stated comments of the Niagara Escarpment Commission.
11. We are of the opinion that generally speaking these Escarpment Rural Areas should remain in the Proposed Plan although there may be individual sections of these Escarpment Rural Areas that have been dealt with elsewhere in this report in a different manner.
12. A recommendation elsewhere in this report covers the flexibility of boundary designations which we believe covers these concerns.
13. We are of the opinion that generally speaking these Escarpment Rural Areas should remain in the Proposed

Plan although there may be individual sections of these Escarpment Rural Areas that have been dealt with elsewhere in this report in a different manner.

FILE NO. 100-22

SUBMISSION NO. 490

AGENT: E.C. Wagg, Deputy Clerk

GROUP: Town of Pelham

SUMMARY OF SUBMISSION:

In the main, the Town of Pelham supports the position taken at these hearings by the Regional Municipality of Niagara with the exception of one area. This area is Lot 11, Concession 5, next to the Hamlet of North Pelham. This land is proposed Escarpment Rural in the Proposed Plan but the Council for the Town takes the position that this land should be deleted from the Proposed Plan. The Region on the other hand requested that the lands in question be changed from Escarpment Rural to Escarpment Protection. It is the Town's position that there is already an adequate buffer.

RECOMMENDATION:

The Proposed Plan be modified to delete the area of Lot 11, Concession 5.

REASONS:

We are of the opinion this will leave an adequate buffer. The evidence of the Niagara Escarpment Commission's staff was that the inclusion of these lands was a matter of judgement.

COUNSEL: Ronald Greenspan

GROUP: Town of Grimsby

SUMMARY OF SUBMISSION:

The Town of Grimsby could hardly be classified as a supporter of the Proposed Plan or for that matter the Niagara Escarpment Commission. It takes the position that the Escarpment face should be preserved and a buffer zone of about 30 metres be established at the brow and the toe. The concept of using Regional Road 81 as the northern boundary takes in too much developed land. There are ten areas which concern the Town and these are as follows which the Town requests to be deleted:

1. This area is bounded on the west by Stoney Creek, in the east by Woolverton Road, on the north by Regional Road 81 and on the south by the toe of the Escarpment. This area contains three developed subdivisions, motel, flea market, variety store, car dealership, transport depot, food processing plant, pre-cast concrete plant and several small commercial establishments. The northerly boundary is some 3,500 feet from the toe of the Escarpment. The proposed designation for this area is Escarpment Protection.
2. The second area is bounded on the west by Casablanca Blvd., on the east by Kerman Avenue, on the north by a line approximately 400 feet from Regional Road 81 and on the south by Regional Road 81. This area is across Regional Road 81 and extends into two developed subdivisions and single family homes.
3. Area three is bounded on the west by Kerman Avenue, on the east by the easterly back lot lines on Governor's Road, on the north by Regional Road 81, and on the south

by the toe of the Escarpment. This particular area contains the south side of the downtown core, a municipal parking lot, a shopping plaza, over 15 fully developed subdivisions, five churches, a high school, a major park and an elementary school. This particular area is designated in the Proposed Plan as Urban Centre. The Town points out that Beamsville was left out of the Plan but the core area of Grimsby was included and the Town feels very strongly that it should be excluded.

4. This area is bounded on the west by the easterly back lot lines of Governors Road, on the east by Park Road South, on the north by Regional Road 81 and the south by the toe of the Escarpment. At the present time the area contains two subdivisions and the northerly boundary is some 2000 feet from the base of the Escarpment. The Town feels that this would be a prime area for any future expansion of the Town.
5. Area five bounded on the west by Park Road, on the east by the Town of Lincoln, on the north by Regional Road 81 and on the south by the northerly fork of the Escarpment. The land in the area is presently zoned partly commercial and contains a developed subdivision, an animal hospital and single family homes.
6. This area is a plateau bounded by two Escarpment faces and in the opinion of the Town could be developed as estate residential on large lots.
7. Area seven is a small plateau on the west side of Park Road South. The area presently contains two estate residential subdivisions and the Town would either like it removed or the proposed Escarpment Protection designation changed to Escarpment Rural.
8. This area is bounded on the west by Stoney Creek, on

the east by Lincoln, on the north by the brow of the Escarpment and on the south partially by the Ridge Road West and the remainder by a line dividing Concession 3 in half. For many years the Town has viewed the lands which lie between the brow of the Escarpment and the Ridge Road as potential estate residential areas because the land is of a poor quality for agriculture. These lands are proposed as Escarpment Protection Area in the Proposed Plan.

9. Area nine is contained within Area eight but specifically relates to the area bounded by the Ridge Road on the west, on the east by the lot line between Lots 5 and 6, on the north by the brow of the Escarpment and on the south by the Ridge Road. This area was already slated for development at the time when the Niagara Escarpment Commission's controls came into effect and the owners still wish to proceed.
10. This area would allow estate residential development if the Proposed Plan is approved and it is first class farmland. Council does not agree and feels it should be restricted to poor agricultural land.

EXHIBITS:

386. Land Use map of the Town of Grimsby prepared by the Town's Planning Department.
387. A map and two pages from a staff report to the Niagara Escarpment Commission, dealing with land sites in Beamsville, Grimsby and west of the Town of Grimsby.

RECOMMENDATIONS:

For Areas 1, 2, 5, 6, 7, 8 and 9 which are proposed for

Escarpment Protection designations we recommend that these not be deleted.

For Areas 3 and 4, these areas will become Urban Centres by virtue of applying the Urban Area boundaries as approved by the Ontario Municipal Board in the Niagara Region's Official Plan and that these areas remain within the Plan.

For Area 10, none.

REASONS:

For Areas 1, 2, 5, 6, 7, 8 and 9 we are of the opinion on the basis of the evidence that these areas should remain in the Proposed Plan. Elsewhere in this report we have made recommendations concerning the possibility of additional development in the Escarpment Protection designation.

For Areas 3 and 4, the matter of Urban Centres has been dealt with elsewhere in this report.

For Area 10, proposed to be designated Escarpment Rural. As stated in Submission 489 (Regional Municipality of Niagara) we are of the opinion that generally speaking this Escarpment Rural Area should remain in the Proposed Plan although there may be individual sections that have been dealt with elsewhere in this report in a different manner.

AGENT: Michael Duc, Clerk

GROUP: Town of Lincoln

SUMMARY OF SUBMISSION:

The Town of Lincoln supports the position taken by the Regional Municipality of Niagara. In addition to that support it also made certain recommendations with respect to the Proposed Plan. One of these proposals was that the Escarpment Rural Areas of the Plan should be deleted and revert back to the control of the local municipality. It is the feeling of the Town of Lincoln that the agricultural policies of the Region are more than enough. The Town also strongly supports the deletion of Jordan Harbour and the Twenty Mile Creek areas from the Proposed Plan because of its importance to the Town. The Town also wants the boundaries to be adjusted to conform to the recent decision of the Ontario Municipal Board with respect to urban boundaries.

RECOMMENDATION:

None.

REASONS:

See Regional Municipality of Niagara's Submission (No. 489) covering points contained in this submission.

AGENT: Helen Whyte, Planning Consultant

GROUP: City of Thorold

SUMMARY OF SUBMISSION:

The brief of the City of Thorold is generally consistent with that of the Regional Municipality of Niagara but makes the following specific requests:

1. Re lands on the west side of the Welland Canal - Greenhill Drive subdivision and industrial land, south side of St. David Street between Chapel Street North and the Canal. This land is within the Region's Urban Areas as approved by the Ontario Municipal Board. It was not previously in the Niagara Escarpment Commission's development control area. It does not adjoin open Escarpment lands. The lands are developed. In the municipality's opinion these lands should be deleted from the Proposed Plan.
2. Re lands on east side of the Welland Canal - east end of Highway 58 tunnel, south of Hoover Street. These lands are presently in heavy industrial uses and associated waterways. South of Highway 58, the lands are within the Region's Urban Areas as approved by the Ontario Municipal Board. The Proposed Plan indicates these lands are "public land" (in parks system) to be designated Escarpment Rural. Though in public ownership they are clearly not used for park purposes, nor are they rural or park-like in nature. The municipality is opposed to their inclusion in the Proposed Plan.
3. Lakes Gibson and Moodie:

These lands are primarily public lands, south of Thorold's major existing urban area, and are removed from the Escarpment itself. Thorold questions the necessity or advisability of including these lands within the Proposed Plan.

RECOMMENDATIONS:

1. That the Plan be modified by deleting this area from the Proposed Plan.
2. That the Plan be modified by deleting this area from the Proposed Plan.
3. None.

REASONS:

1. In our opinion, based on the evidence, there appears to be no real reason for the inclusion of this small section of Thorold in the Proposed Plan.
2. These lands are within the Urban Areas of the Region's Official Plan as approved by the Ontario Municipal Board and the Niagara Escarpment Commission has agreed that they should be removed.
3. Dealt with under Submission 489 (Regional Municipality of Niagara).

COUNSEL: John Crossingham

GROUP: Town of Niagara-on-the-Lake

SUMMARY OF SUBMISSION:

This submission proposes the following changes:

1. Deletion of Escarpment Rural Areas (replaced with municipal documents).
2. Woodlot south side of Queen Elizabeth Way at Sandplant Hill - Change from Escarpment Protection Area to Escarpment Natural Area.
3. Eastern Edge of Queenston Quarries - Change from Mineral Resource Area to Escarpment Natural Area.
4. Lands abutting Regional Road 81 (south) - Change from Mineral Resource Area to Escarpment Natural Area.
5. Lands north of Regional Road 81 from Concession 2 along the banks of former glacial lake - Lake Iroquois to St. Davids - Change from Escarpment Rural to Escarpment Protection.
6. Lands in St. Davids, against the Escarpment, using Tanbank Road, Regional Road 81 and Warner Road as boundaries - Change from Escarpment Rural to Escarpment Protection.
7. Lands in the community of Queenston next to the Escarpment - Change from Escarpment Rural to Escarpment Protection.

In addition to these the Town requests the inclusion in the Plan of some definite policies to prevent the creation of further waste disposal sites along the Escarpment in quarries.

EXHIBIT:

388. Niagara Escarpment Commission Proposed Plan Map 1 - Regional Municipality of Niagara, with additional markings by the Town of Niagara-on-the-Lake relating to the Town's recommendations, January 13, 1982: (1) deletions from the Proposed Plan; (2) changes in designations within Plan; (3) policy changes (additions or deletions).

RECOMMENDATIONS:

1. None.
2. That the Plan be amended to change the designation to Escarpment Natural.
3. None.
4. None.
5. None.
6. None.
7. None.

As far as the request of the Town to include some definite policies concerning the creation of further waste disposal sites we make no recommendation since we are of the opinion that the subject of waste disposal sites is adequately taken care of by other Provincial legislation.

REASONS:

1. Covered under Submission 489 (Regional Municipality of Niagara.
2. The Niagara Escarpment Commission's evidence was such that there was no objection to this recommendation and could in fact be a drafting error. This is in accordance

with the Region of Niagara's recommendation which was dealt with in Submission 489 as being part of the flexibility of boundaries, but we are of the opinion that in this case a specific recommendation should be made.

3. We were informed that the Mineral Resource designation covered licensed areas and therefore there should be no change.
4. We were informed that the Mineral Resource designation covered licensed areas and therefore there should be no change.
5. Covered in Submission 489 (Regional Municipality of Niagara).
6. Covered in Submission 489 (Regional Municipality of Niagara).
7. Covered in Submission 489 (Regional Municipality of Niagara).

AGENT: Douglas Darbyson, Senior Planner

GROUP: City of Niagara Falls

SUMMARY OF SUBMISSION:

The City of Niagara Falls expresses in the submission its support for the Proposed Plan. Its primary concern is to ensure that areas within the urban boundary as proposed by the Ontario Municipal Board be deleted from the Plan. There is agreement with the Regional Municipality of Niagara in its proposed urban land deletions. Exhibit 391 illustrates the City's recommended change in boundary marked in yellow and the Proposed Plan's boundary delineated in red. The lands marked A, B and C are recommended for deletion from the Plan in conformity with the Region's stated position. This would leave Mountain Road as the logical plan boundary in this area. (Area D cannot be dealt with as it is outside the Proposed Plan).

EXHIBITS:

- 389. Report to the City of Niagara Falls' Council, prepared by A. Greaves, Planning Director, and submitted by J.L. Collinson, Acting Chief Administrative Officer. File: N-4; Date: 1981.12.07; Report: PD/112/81 re Niagara Escarpment Proposed Plan Hearings.
- 390. Report to the Niagara Falls City Council, prepared by D. Darbyson, Senior Planner; recommended by A. Greaves, Planning Director; submitted by J.L. Collinson, Acting Chief Administrative Officer. File: N-4; Date: 1982.01.11; Report: PD/4/82 re Niagara Escarpment Proposed Plan Hearings and T.G. Bright & Co. Limited proposal.
- 391. A map of the City of Niagara Falls indicating the City's recommended boundary changes for the Niagara

Escarpment Commission's Proposed Plan.

RECOMMENDATION:

That the Proposed Plan be modified by the deletion of sites A, B and C.

REASONS:

Sites A and B are part of the Urban Centre boundaries in the official plan of the Region and the Niagara Escarpment Commission has agreed to this deletion.

As far as Site C is concerned we believe this is a logical deletion since Mountain Road would then form a continuous boundary in this area.

OWNER: Peter Chetwynd
LAND: Part Lot 15, Concession 2
Town of Grimsby

SUMMARY OF SUBMISSION:

This owner has 2.14 acres mainly on Woolverton Road designated as Escarpment Natural in the Proposed Plan. The owner purchased the land in 1950 at a time when no zoning restrictions were in effect for the purpose of eventually using the land for residential development. To date he has been unable to procure a development permit. He has not re-applied for said permit since release of the Proposed Plan. It would appear that his lands are restricted as to their utilization for building by the municipality as well. The property is on the face of the scarp and forest covered. The town's Official Plan Amendment No. 11 approved in 1971 shows the land as "hazard" and requires that any application satisfy the town's engineering concern as to slope stability. The Niagara Peninsula Conservation Authority apparently has this property entered in its long range acquisition policy.

RECOMMENDATION:

None.

REASONS:

We are satisfied on the evidence of the Niagara Escarpment Commission that the designation proposed is a proper one.

FILE NO. 100-6

SUBMISSION NO. 497

OWNER: Mrs. Roy Summers

LAND: Part Lots 52, 53, 54, 55, 56,
76, 77, 78, 79, 100, 122 and 123
City of Thorold

SUMMARY OF SUBMISSION:

The above owner spoke for her own property and that of others. Her real concern is that the properties she referred to be not included in the Proposed Plan. The Niagara Escarpment Commission controls are unnecessary and should not apply to these lands which in her opinion are some two to two and a half miles from the visible Escarpment. She is opposed to the creation of additional parkland as unsupervised parks could bring noise and animals running at large bringing the spectre of rabies and general disruption to the farming community.

EXHIBIT:

392. Air photo showing property of Mrs. Roy Summers,
Part Lots 52, 53, 54, 55 and 56, City of Thorold,
Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

Already recommended for deletion in Submission 489 (Regional Municipality of Niagara).

OWNER: Nick Mouriopoulis
LAND: Part Lot 19, Concession 2 and 3
Town of Grimsby

SUMMARY OF SUBMISSION:

The owners purchased the above lands, some 15 acres, during 1975 with the objective of severing a number of lots to accommodate medium or large size homes on spacious lots. This intention was not capable of fulfillment due to the advent of regional government and the establishment of the Niagara Escarpment Commission with their respective restrictions.

The lot in question lies to the south of Highway 8 and to the west of the extension of Hunter Road. It is a portion of a much larger parcel isolated between the curve of Highway 8 and the base of the Escarpment and has a depth ranging from one half to one mile between the Escarpment and the highway. What was once an intense farming area now contains little more than hobby farm operations. The lands in the vicinity of the subject land have been developed to a great extent by residential and commercial uses along Highway 8.

The Proposed Plan shows the subject land designated as Escarpment Natural and Escarpment Protection Areas which do not permit the intensive use intended by the owner. It is felt that the two designations should be limited in extent and should not extend beyond one or two hundred yards from the base of the scarp in their entirety. It would however be preferable if the lands were removed from the Niagara Escarpment Commission's control and placed under local and regional jurisdiction. The owners request that one of the following alternatives be recommended by the hearing officers:

1. Change the designation of a major portion of the property from Escarpment Protection Area to Escarpment Rural Area. This designation would

Submission No. 498 continued

permit, and I quote from Section 2.4 of the Proposed Plan "new lots may be created by low density rural plans of subdivision or condominium and other compatible forms of lot ownership".

2. Change the designation of a major portion of the property to Urban Centre Group One which designation is already applied to significant portions of the Town of Grimsby.
3. Remove a major portion of the lands in question from the jurisdiction of the Niagara Escarpment Commission and restore to municipal or regional control.
4. If no change from the proposed land use is to be considered then the Escarpment Commission should be required to purchase the vacant lands within this area from the present owners - at the owner's option.

EXHIBIT:

393. Air photo showing property of Nick Mouriopoulis, Part Lot 19, Concession 2 and 3, Town of Grimsby, former Township of North Grimsby, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

A portion of these lands have been recommended for removal in Submission 489 (Regional Municipality of Niagara).

FILE NO. 100-13

SUBMISSION NO. 499

OWNER: Douglas Beamer

LAND: Part Lot 10, Concession 6
Town of Pelham

SUMMARY OF SUBMISSION:

This oral submission was in support of the Proposed Plan as it affects the Town of Pelham.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-10

SUBMISSION NO. 500

OWNER: John T. Pennachetti
LAND: 190 Woodside Drive
St. Catharines, Ontario
Part Lots 11 and 12, Concession 5
Town of Lincoln

SUMMARY OF SUBMISSION:

This was an oral submission concerning these two properties and expressed no real objection or support to or for the Proposed Plan and in effect suggested that the owner was receptive to enter into negotiations to sell or trade some of the subject lands to a public authority.

EXHIBIT:

394. Map of subject property owned by John T. Pennachetti in the City of St. Catharines, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon and to make any recommendation on it.

FILE NO. 100-75

SUBMISSION NO. 501

OWNER: Stephen Dmytrow
LAND: Part Lot 12, Concession 5
Town of Lincoln

SUMMARY OF SUBMISSION:

This was an oral submission concerning the above property which consists of approximately 30 acres containing a residence and proposed for the Escarpment Natural designation under the Proposed Plan with about half of the property recommended to be acquired by a public authority. This owner stated that he would perhaps be willing to sell some portion of the subject property.

EXHIBIT:

395. Air photo showing property owned by Stephen Dmytrow,
Lot 12, Concession 5, Beamsville, Regional Municipality
of Niagara.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon and to make any recommendation on it.

FILE NO. 100-16

SUBMISSION NO. 502

OWNER: Harold E. Costello

LAND: Part Lot 14, Concession 2
Town of Grimsby

SUMMARY OF SUBMISSION:

This oral submission covers property consisting of two parcels separated by Regional Road 81. The parcel south of the road of approximately 3.6 acres is proposed to be designated Escarpment Natural and the one acre parcel north of the road Escarpment Protection. There was no indication of objection to the proposed designations but appeared to be a request to develop the southerly parcel into four lots.

EXHIBIT:

396. Air photo showing property of Harold E. Costello, Part Lot 14, Concession 2, Town of Grimsby, former Township of North Grimsby, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

The area recommended for an Escarpment Protection designation in the Proposed Plan has been recommended for deletion in Submission 489 (Regional Municipality of Niagara) and as far as the portion designated Escarpment Natural is concerned, we are of the opinion this should remain in the Proposed Plan.

OWNER: G.R. and Betty D. Ellis
LAND: Part Lot 18, Concession 5
Town of Lincoln

SUMMARY OF SUBMISSION:

This oral submission expressed no objection to the proposed designations for this property but was primarily concerned as to the proper boundary between the Escarpment Natural and Escarpment Protection designations.

EXHIBIT:

397. Surveyor's map and description of property owned by Mr. and Mrs. G.R. Ellis, Part of Lot 18, Concession 5, formerly Township of Louth, County of Lincoln, now Town of Lincoln, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in our recommendations, comments and reasons in the general section of this report.

FILE NO. 100-63

SUBMISSION NO. 504

OWNER: Catherine B. Rice
LAND: 417 Tice Road
R.R. 1
Ridgeville, Ontario

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan. While the subject property is proposed to be designated Escarpment Rural, the owner agrees with the change to Escarpment Protection as recommended by the Town of Pelham.

RECOMMENDATION:

None.

REASONS:

Refer to reasons in Submission 603 (Steed and Evans Limited) which deals with all the lands south of Metler Road.

OWNER: Edward P. Legros
LAND: Part Lot 95
Town of Niagara-on-the-Lake

SUMMARY OF SUBMISSION:

The subject property is proposed to be designated Escarpment Rural and the request is that it be deleted from the Proposed Plan since it is flat open land with a fair amount of development in the area. Mr. Legros agrees with the submission by the Regional Municipality of Niagara that this area be deleted from the Proposed Plan.

EXHIBIT:

398. Air photo showing property of Edward P. Legros, Part Lot 95, former Township of Niagara, Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

We are of the opinion these lands should remain as designated within the Proposed Plan.

FILE NO. 100-85

SUBMISSION NO. 506

OWNER: Dr. J.H.H. Phillips

LAND: Part Lot 22, Broken Front
Town of Lincoln

SUMMARY OF SUBMISSION:

This submission requested that no recommendation for deletion of lands from the Proposed Plan be made by the hearing officers.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-86

SUBMISSION NO. 507

OWNER: Mrs. Jean Phillips

LAND: Lot 22, Broken Front
Town of Lincoln

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan as far as the area of Jordan Harbour and Twenty Mile Creek is concerned.

RECOMMENDATION:

None.

REASONS:

This matter was dealt with in Submission 489 (Regional Municipality of Niagara).

FILE NO. 100-24

SUBMISSION NO. 508

COUNSEL: J.D. Winberg
OWNER: Costain Limited
LAND: Part Lots 3 and 5
Town of Grimsby

SUMMARY OF SUBMISSION:

The subject property comprises some 100 acres of which approximately 70 acres are tableland with the balance of the lands being either wooded slope or face of the Escarpment. In the decision of the Ontario Municipal Board on the Region of Niagara Official Plan these lands have been approved as being within the Urban Area for the Town of Grimsby as "Deferred Urban".

The Niagara Escarpment Commission has agreed that these lands and others approved by the Ontario Municipal Board as being within the Urban Area be designated Urban Centre in the Proposed Plan.

EXHIBIT:

399. Topographic map showing subject properties of Costain Limited, Deanfield Farms Limited (Submission 509), and Niagara Peninsula Investments Limited (Submission 510), all in the Town of Grimsby, Regional Municipality of Niagara, prepared by John Bousfield Associates Limited, Consulting Town Planners, Toronto, Ontario.

RECOMMENDATION:

None.

REASONS:

The portion of this property designated Escarpment Natural should remain Escarpment Natural and the balance will be designated

Urban Centre by virtue of the Niagara Escarpment Commission's decision to accept the urban boundaries as approved by the Ontario Municipal Board in the Regional Municipality of Niagara's Official Plan.

FILE NO. 100-60

SUBMISSION NO. 509

COUNSEL: George Yates
OWNER: Deanfield Farms Limited
LAND: Lot 4, Concession 2
Town of Grimsby

SUMMARY OF SUBMISSION:

The Proposed Plan designates these lands Escarpment Protection but by the Ontario Municipal Board decision on the Niagara Region Official Plan these lands are included in the Urban Areas.

The Niagara Escarpment Commission has agreed that these lands and others approved by the Ontario Municipal Board as being within the Urban Areas be designated Urban Centre in the Proposed Plan.

EXHIBIT:

400. Plan showing lands owned by Deanfield Farms Limited, Part of Lot 4, Concession 2, former Township of North Grimsby, now Town of Grimsby, Regional Municipality of Niagara prepared by Kerry T. Howe, Ontario Land Surveyor, St. Catharines, Ontario.

RECOMMENDATION:

None.

REASONS:

The portion of this property designated Escarpment Natural should remain Escarpment Natural and the balance will be designated Urban Centre by virtue of the Niagara Escarpment Commission's decision to accept the urban boundaries as approved by the Ontario Municipal Board in the Region of Niagara's Official Plan.

AGENT: J. Herbert Rutten, Secretary-Treasurer

OWNER: Niagara Peninsula Investments Limited

LAND: Part Lot 4, Concession 2
Town of Grimsby

SUMMARY OF SUBMISSION:

These lands are located between the lands covered by Submissions 508 (Costain Limited) and 509 (Deanfield Farms Limited) and is in agreement with the recommended change to Urban Centre.

RECOMMENDATION:

None.

REASONS:

The portion of this property designated Escarpment Natural should remain Escarpment Natural and the balance will be designated Urban Centre by virtue of the Niagara Escarpment Commission's decision to accept the urban boundaries as approved by the Ontario Municipal Board in the Region of Niagara's Official Plan.

FILE NO. 100-18

SUBMISSION NO. 511

OWNER: Lloyd J. Oliver

LAND: General

SUMMARY OF SUBMISSION:

This submission was in general agreement with the Proposed Plan.

EXHIBIT:

401. Bruce Trail sign made of metal, similar to signs posted along the Bruce Trail from Queenston to Tobermory by the Bruce Trail Club.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-36

SUBMISSION NO. 512

OWNER: Jim Fretz

LAND: Jordan Creek Harbour Area

SUMMARY OF SUBMISSION:

This submission was in support of the Regional Municipality of Niagara and the Town of Lincoln that the area extending from the Fourth Avenue Road line north to Lake Ontario be deleted from the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This area has been recommended for deletion in Submission 489 (Regional Municipality of Niagara).

FILE NO. 100-23

SUBMISSION NO. 513

AGENT: Mrs. Marie Pratten

OWNER: Mr. Frank R. Pratten

LAND: Part Lot 12, Concession 6 and 7
Town of Pelham

SUMMARY OF SUBMISSION:

While the Prattens' property lies just outside the boundary of the Proposed Plan in the Short Hills Area of the Town of Pelham, it is the opinion of the Prattens that the Short Hills Area is not part of the Niagara Escarpment and should be removed from the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates opposition to the Proposed Plan as it affects the Short Hills Area of Pelham, and is partly dealt with in Submission 603 (Steed and Evans Limited).

FILE NO. 100-48

SUBMISSION NO. 514

OWNER: A. Barbara Chambers

LAND: Part Lot 863, C.P. 6
St. Catharines

SUMMARY OF SUBMISSION:

This oral submission was not really opposed to the Proposed Plan but Mrs. Chambers would like someone to purchase her property.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon and to make any recommendation on it.

OWNER: Nick Andreychuk

LANDS: (a) Part Lot 23, Concession 3
Town of Lincoln
(b) Part Lot 6, Concession 2
Town of Grimsby

SUMMARY OF SUBMISSION:

Land in (a) above is proposed to be designated Escarpment Natural to which this submission registered no objection but requested that the subject lands be shown as lands for acquisition.

Land in (b) above comprises some 27 acres designated mostly Escarpment Protection with a small portion of about one half acre designated Escarpment Natural. This submission requested that the subject lands be given the designation of a "specific estate residential subdivision within the Escarpment Protection Area".

EXHIBIT:

402. Air photo showing property of Nick Andreychuk,
Part Lot 6, Concession 2, Town of Grimsby, former
Township of North Grimsby, Regional Municipality
of Niagara.

RECOMMENDATION:

None.

REASONS:

Part (a) - This matter is dealt with in our recommendations, comments and reasons in the general section of this report.

Part (b) - This matter is dealt with in our recommendations, comments and reasons in the general section of this report.

OWNER: Dr. Joseph Saine
LAND: Part Lots A and B
East Gore
Town of Grimsby

SUMMARY OF SUBMISSION:

This property is proposed to be designated Escarpment Natural and Escarpment Protection. This submission was generally to the effect that the subject lands are not good farming lands and in fact are all good subdivision lands, hence the request is that these lands be designated in such a way that development would be permitted.

EXHIBITS:

403. Two communications with attached air photo sent to Dr. Joseph Saine from the Ministry of Natural Resources: one dated February 24, 1976; one dated January 12, 1982.
404. Preliminary sketch #1, plan of subdivision, Town of Grimsby, property of Dr. Joseph Saine, prepared by Harry Weber, professional planner, dated December 9, 1975.
405. Topographic map of area including Dr. Joseph Saine's property in the Town of Grimsby. Northway Survey Corporation Limited, Toronto, Canada.
Scale: 200 feet = 1 inch.
406. Letter of authorization, dated January 12, 1982 giving Dr. Joseph Saine the authority to represent the following: W. Klish, W. Bezchlibnyk, M. Barabash and E. Janishewskyj.
407. Authorization given to Dr. Joseph Saine to represent

Firestone Management Ltd., Joseph H. Firestone re
The Niagara Escarpment Proposed Plan Hearing.
C.N.C.P. Telecommunications, January 19, 1982.

408. Letter of authorization dated January 18, 1982
giving Dr. Joseph Saine the authority to represent
Edwin J. Gadsby re The Niagara Escarpment Proposed
Plan Hearing.
409. Air photo showing property of Dr. Joseph Saine,
Part Lot A and B, East Gore, Town of Grimsby,
Regional Municipality of Niagara, as defined by
the Niagara Escarpment Commission. January 26,
1982.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in our recommendations, comments and
reasons in the general section of this report.

AGENT: Charles Pryer, President

GROUP: Niagara Falls Nature Club

SUMMARY OF SUBMISSION:

This submission by the above club was in support of the Proposed Plan and referred to the Niagara Parks Commission as being a useful model for the Niagara Escarpment Commission to follow.

In addition and as part of this submission Katherine McKeever of the Owl Rehabilitation Research Foundation submitted that the Jordan Marsh area must be protected and prefers the Proposed Plan to other plans affecting the area.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in our recommendations, comments and reasons in the general section of this report. The Jordan Marsh area has been recommended for deletion in Submission 489 (Regional Municipality of Niagara).

OWNER: Robert Merritt
LAND: Part Lot 10, Concession 2 and 3
Town of Grimsby

SUMMARY OF SUBMISSION:

The portion of lands in Concession 2 are proposed to be designated Escarpment Natural and Escarpment Protection while the lands in Concession 3 are proposed to be designated Escarpment Rural.

The northern parcel is surrounded on three sides by the Conservation Authority. Mr. Merritt doesn't want the Bruce Trail on his property and recommended that the Niagara Escarpment Commission drop support of the Bruce Trail.

Mr. Merritt stated that his viable farm operation should be removed from the Proposed Plan except where designated Escarpment Natural provided he can have some input into the boundaries.

EXHIBITS:

- 410. Air photo showing property of Robert Merritt,
Town of Grimsby, Regional Municipality of Niagara.
- 411. Air photo showing properties of Robert Merritt,
(1) Part Lot 10, Concession 2, Town of Grimsby
(former Township of North Grimsby), Regional
Municipality of Niagara; (2) Part 10, Concession 3,
Town of Grimsby (former Township of North Grimsby),
Regional Municipality of Niagara.

RECOMMENDATION:

That all the rural designated lands in the Town of Grimsby and in the Town of Lincoln immediately adjacent to the eastern boundary of the Town of Grimsby be deleted from the Proposed Plan.

REASONS:

On the basis of the evidence heard we are of the opinion that the Escarpment Protection designation provides an adequate buffer in this area.

Although this recommendation deals with more area than the subject lands it is concurred with by the Region in Submission 489.

FILE NO. 100-25

SUBMISSION NO. 519

OWNER: Lloyd N. Myers
LAND: Part Lot 21, Concession 3
Town of Lincoln

SUMMARY OF SUBMISSION:

The subject property is proposed to be designated Escarpment Natural. Mr. Myers was really seeking information and when advised by the Niagara Escarpment Commission's staff of how the Proposed Plan affects his property, stated he "will live with the Plan".

EXHIBIT:

412. Air photo showing property of Lloyd N. Meyers,
Part Lot 21, Concession 3, Town of Lincoln,
Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

Owner satisfied with explanation given by the Niagara Escarpment Commission's staff regarding his property.

FILE NO. 100-92

SUBMISSION NO. 520

OWNER: Mrs. Marion Angle

LAND: Part Lot 6, Concession 5
Town of Pelham

SUMMARY OF SUBMISSION:

This submission by a lifelong resident of the Short Hills and Kame Area wants her property to remain under development control as it is in the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in our recommendations, comments and reasons in the general section of this report.

FILE NO. 100-82

SUBMISSION NO. 521

COUNSEL: R.B. Warren

OWNER: Mr. and Mrs. Norman Preece

LAND: Lot 3, Concession 2 and 3
Town of Grimsby

SUMMARY OF SUBMISSION:

The property above referred to is part of a plateau located half way between the top and bottom of the Escarpment. These lands are designated Escarpment Natural and the owners are in full support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-91

SUBMISSION NO. 522

OWNER: Mrs. Louis MacKenzie
LAND: Part Lot 6, Concession 6
Town of Pelham

SUMMARY OF SUBMISSION:

The owner submits that her property is designated Escarpment Natural and wishes it to remain so. She also attempted to make recommendations regarding the designation on a neighbour's property but it was explained that we could not consider such if the neighbour was not present.

This submission fully supports the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

See Reasons under Submission 603 (Steed and Evans Limited).

FILE NO. 100-84

SUBMISSION NO. 523

OWNER: Margaret and Steven Baran

LAND: Part Lot 17 and 18, Concession 5
Town of Lincoln

SUMMARY OF SUBMISSION:

This property comprises some 29 acres and is owned by three parties. It is designated Escarpment Protection in its entirety. The owners request that eight acres of the lands fronting on Regional Road 81 (Mountain Street) be redesignated to Escarpment Rural so that three lots may be created from this designation.

EXHIBIT:

413. Air photo showing property of Margaret and Steven Baran, Part Lots 17 and 18, Concession 5 (former Township of Clinton), Town of Clinton, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in our recommendations, comments and reasons in the general section of this report.

COUNSEL: Roger Elliott

OWNER: Mrs. J. O'Donoghue and Mrs. R. Wrzesnewskyj

LAND: Part Lot A
East Gore
Town of Grimsby

SUMMARY OF SUBMISSION:

The subject lands located on Regional Road 81 constitute some 8.669 acres and are designated as Escarpment Protection. It is requested that these lands be redesignated to an Urban Centre designation or in the alternative be deleted from the Proposed Plan. Michael J. Bacon, a qualified land use planner, appeared in support of the submission and gave as his opinion that this property was not necessary in order to achieve the objectives of the Proposed Plan, which incidentally he agreed with. The lands are not part of the scarp landform and any buildings of three or four floors would not block the view of the "soaring" scarp some half a mile away. In his opinion the development of land between Highway 81 and the bluff would in no way detract from the scenery.

EXHIBITS:

- 414. Curriculum Vitae - Michael John Bacon, M.C.I.P.
- 415. Air Photo of area from Lake Ontario south to main scarp of the Niagara Escarpment, Town of Grimsby, Regional Municipality of Niagara, showing property of Mrs. J. O'Donoghue and Mrs. R. Wrzesnewskyj.
- 416. Base map of area from Lake Ontario south to main scarp of the Niagara Escarpment, Town of Grimsby, Regional Municipality of Niagara, showing property of Mrs. J. O'Donoghue and Mrs. R. Wrzesnewskyj.

Submission No. 524 continued

417. Government of Canada, cut away portion of topographic map 1:50000 for the area including Long Branch, Dundas and Grimsby, along Lake Ontario. Additional markings showing Lake Iroquois Bluff and the Niagara Escarpment.
418. Plan of survey showing property of Mrs. J. O'Donoghue and Mrs. R. Wrzesnewskyj, Town of Grimsby, Regional Municipality of Niagara. John F. Mantle, Ontario Land Surveyor, 1976, Kerry T. Howe (Niagara) Limited.
419. Map showing existing and proposed municipal watermain and sanitary sewer services, scale: 1 inch = 200 feet, November 1979, part of Town of Grimsby, Regional Municipality of Niagara. Source: W.L. Sears and Associates Limited.
420. Air photo showing property of Mrs. J. O'Donoghue and Mrs. R. Wrzesnewskyj, Part Lot A, East Gore, Town of Grimsby, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in our recommendations, comments and reasons in the general section of this report.

FILE NO. 100-125

SUBMISSION NO. 525

OWNER: J.T. Griffith

SUMMARY OF SUBMISSION:

This owner is in full support of the Proposed Plan and also expresses his desire to co-operate with the Bruce Trail in passage over his lands.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-78

SUBMISSION NO. 526

OWNER: Eric Eichmanis

LAND: Part Lot 4, Concession 5
Town of Lincoln

SUMMARY OF SUBMISSION:

These lands above referred to are some two acres purchased by the owner in 1972 with the intention of building thereon. The Escarpment Natural designation applies to the property, and the owner states that he has experienced difficulties in procuring the necessary authority to build due to hazard conditions of the land. Though not opposed to the Proposed Plan, he has lost confidence in the Niagara Escarpment Commission due to delay in getting the Plan before the public and feels that implementation should be by other than the Commission.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan. These matters are dealt with in our recommendations, comments and reasons in the general section of this report.

OWNER: Glen Bigger
LAND: Part Lot 15 and 16, Concession 5 and 6
Town of Lincoln

SUMMARY OF SUBMISSION:

These lands, some 85 acres, are designated for the greater part to Escarpment Protection with a small portion Escarpment Natural. The owner has experienced difficulty in procuring two severances due to Niagara Escarpment Commission intervention and wants more control of his own land. If solutions cannot be found to his problems he wants his lands deleted from the Proposed Plan.

EXHIBIT:

421. Air photo showing property of Glen Bigger, Part Lots 15 and 16, Concession 5 and 6 (former Township of Louth), Town of Lincoln, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in our recommendations, comments and reasons in the general section of this report. We are also of the opinion that the subject lands should remain within the Proposed Plan.

FILE NO. 100-39

SUBMISSION NO. 528

OWNER: Albert J. Doberstein, Sr.

LAND: Lot 188, Plan M2
Town of Lincoln

SUMMARY OF SUBMISSION:

The above named owner appeared on behalf of himself, wife and two sons. They jointly own 12.65 acres of land located on a three lane portion of Victoria Avenue with land provision already made for a widening of Victoria Avenue to four lanes. The owners' concern is really to ascertain what designation is imposed on his frontage land as he seems quite satisfied with the Escarpment Protection designation on the rear lands.

RECOMMENDATION:

None.

REASONS:

Niagara Escarpment Commission's witness, Mr. Tom Smart, informed the hearing that the entire frontage to a depth of 200 feet was not included in the Proposed Plan.

AGENTS: Robert Merritt, Director and
James Vidal Jr., President

GROUP: Property Owners Rights Association

SUMMARY OF SUBMISSION:

The submission of this Association was presented by two of its representatives. Briefly stated it makes the following points:

1. It has 300 property owners in the Regional Municipality of Niagara plus a few members elsewhere.
2. Opposition to the Bruce Trail and the impact its users have on agricultural operations. Cites instances of vandalism attributed to the Trail use. Undue emphasis on environmental and recreational parts of the Proposed Plan and not enough on economic and social factors.
3. Wants Niagara Escarpment Commission scrapped and authority for the Escarpment Natural Areas be given to the municipalities. The Bruce Trail Association revert back to the handshake basis for its trail agreements.
4. Control area in the Regional Municipality of Niagara should be limited to the scarp face and working farms should be exempt from controls.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in our recommendations, comments

Submission No. 529 continued

and reasons in the general section of this report.

OWNER: Mrs. Margaret Reed

SUMMARY OF SUBMISSION:

This submission is really in support of the Plan's objectives but expresses a concern that in the Cave Springs area acreages originally proposed for Escarpment Natural have been diminished in size due to development allowed.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-40

SUBMISSION NO. 531

OWNER: Harry P. Tomarin

LAND: Part Lot 9 and 10, Concession 22 and 23
Town of Lincoln

SUMMARY OF SUBMISSION:

This applicant has 150 acres of land immediately west of De Cew Falls and feels that the Niagara Escarpment Commission is doing a fantastic job, however, he would like to have some estate development. It is proposed to designate the lands as an Escarpment Natural Area because the property consists of the brow, face and base of the Escarpment. The Niagara Escarpment Commission's staff indicate that the Tomarin property is a scenic and dominant part of the Escarpment.

Both the Regional Plan and the St. Catharines Official Plan designated the subject lands as an Environmentally Sensitive Area and would not permit any development.

EXHIBIT:

- 422. Air photo showing property of Harry Tomarin, City of St. Catharines, Regional Municipality of Niagara.
- 423. Survey of property owned by Harry Tomarin, City of St. Catharines, Regional Municipality of Niagara, 1982.

RECOMMENDATION:

None.

REASONS:

In our opinion based on the evidence these lands are properly designated.

AGENT: John Bacher, Vice Chairman

GROUP: Preservation of Agricultural Land Society

SUMMARY OF SUBMISSION:

This Society feels that the most vital function of the Niagara Escarpment lies with its contribution to the preservation of all the vital and inter-related parts of the natural environment of the Niagara Escarpment. In their opinion foremost and among these are the agricultural lands.

The following aforementioned concerns of the Society are summarized as follows:

1. We feel that in the Niagara Region the Escarpment plays a central and vital role in a life sustaining scheme of the whole Niagara Plan area.
2. The Niagara farmlands are an area of Regional and Provincial concern and should be a part of the Escarpment Plan concern.
3. We support the double layer of protection afforded by Section 2.10.1 that the Escarpment Plan will effect, but are most concerned that to fulfill our mandate to protect Niagara foodlands that we must have the right to appeal as proposed in Section 4.1.7 of the Niagara Escarpment Plan.
4. If this right of appeal is not forthcoming then we would support the Regional proposal that rural lands (which are mainly tender fruit and grape) be withdrawn from the Planning Area and placed under the Planning Area and jurisdiction of the Regional Municipality of Niagara.
5. We feel since there have already been too many cutbacks

in the Planning Area that the restrictive measures to protect the Escarpment lands should be adhered to most strictly by the implementing body.

6. We would ask that the Niagara Escarpment regulatory body apply the Regional Policy's Plan for very restrictive policies for tender fruit and grapeland in all the rural areas and that they add a new section to the Proposed Plan which would state:

Within the Niagara Region the policies governing rural consents shall be those of section 6.A.6 of the Regional Policy Plan.

- thus defusing the confusion that surrounds the description of those lands and making it clear that they are to be treated as fruit and grape lands.

7. The Preservation of Agricultural Land Society would oppose any developments in the Escarpment Plan area which would serve to extend or negate the urban boundaries of the Niagara Region as decided by the Ontario Municipal Board decision of February, 1981.
8. Keeping in mind the fragile balance of nature in the area and its interdependency as well as our support of the Ecological basis of planning and principles of sustainable agriculture, we would ask that there be particularly strict application of the regulations regarding woodlots and water courses and that there be a prohibition of channelization and landfilling of water courses with the Escarpment Plan Body being the sole regulatory body.
9. We ask that the restrictions governing aggregate extraction in the control area be extended to the rural area where

most of the tender fruit and grapeland lie.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan. These matters are dealt with in our recommendations, comments and reasons in the general section of this report.

FILE NO. 100-32

SUBMISSION NO. 533

OWNER: Dr. James A. Gibson
LAND: Part Lots 19 and 20, Concession 2
Town of Lincoln

SUMMARY OF SUBMISSION:

Dr. Gibson's property is located in the Jordan Harbour area and he feels that it should remain Escarpment Natural as shown in the Proposed Plan. He strongly objects to the position taken by the Regional Government in requesting this portion be removed from the Proposed Plan. He does not want the peace and quiet which he now enjoys disturbed and more particularly objects to power boats.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in Submission 489 (Regional Municipality of Niagara) wherein we recommend that this whole area be deleted from the Proposed Plan for reasons set out in the Region of Niagara's submission.

COUNSEL: M. Paul Forestall, Q.C.
OWNER: Mrs. Marie Alexander
LAND: Part Lot 3, Concession 3
Town of Pelham

SUMMARY OF SUBMISSION:

This submission covered a matter which in itself is a rather unfortunate set of circumstances. There are two separate parcels of land involved which at one time were in separate ownership but due to pressure from the bank the ownership merged to cover some financing requirements. It then became an effort on the part of the owner to separate these parcels which finally ended in the owner receiving permission to sever the land in a decision delivered by the Ontario Municipal Board. Trouble was encountered again, however, upon application for the development permit and the Niagara Escarpment Commission refused the permit. This was appealed and a decision of the hearing officers to refuse the permit was upheld by the Minister. This now leaves the owner in a position of having a lot but no permit to construct a building on it. This land is located in the Short Hills area and it appears that a good deal of the area has been developed with estate type residences. It was Mr. Forestall's position that the whole of the Short Hills be excluded from the Plan but more particularly the subject property.

EXHIBIT:

424. Air photo showing property of Marie Alexander, Part Lot 3, Concession 3 (former Township of Louth), Town of Pelham, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

On the basis of the evidence we are of the opinion that this property is properly designated and properly included in the Proposed Plan.

COUNSEL: Robert Wilson

GROUP: Brock University

SUMMARY OF SUBMISSION:

Terry Varcoe, Vice-president of Brock University, gave some historical information about the land holdings of the University. The Province has requested the University to look at its land holdings with the view of perhaps decreasing the size. The school is mainly interested in clarification and definition of its boundaries.

Robert O'Dell, a qualified planner, dealt with certain numbered parcels of land and pointed out his difficulty in trying to establish the boundary lines of some of the designations. These lands were also changed as a result of the decision on the urban boundaries.

EXHIBITS:

425. Map - Brock University Properties Study - A Proposal.
Miller O'Dell & Paul, Urban and Rural Planning
Consultants Inc., St. Catharines, Ontario.
September 12, 1981.

426. Curriculum Vitae - Robert Charles O'Dell

427. Profile plan re Lockhart Drive to Brock University Tower,
St. Catharines, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in our recommendations, comments and reasons in the general section of this report.

COUNSEL: Donald R. Tolmie
OWNER: Mrs. Shirley Tolmie
LAND: Lot 1, Concession 5
Town of Pelham

SUMMARY OF SUBMISSION:

Mr. Tolmie appeared on behalf of his wife who owns a five acre parcel of land on Hansler Road in the Short Hills area. He pointed out the great difficulty faced by persons who make severance applications whose lands are located in the proposed Escarpment Protection Areas. He contends that there should be more flexibility in allowing estate residential development and pointed out the Regional Plan "affords some degree of flexibility for development similar to mine". Mr. Tolmie is definitely opposed to the severance policies found in Section 2.3 of the Proposed Plan and feels that such a policy does not apply to the Niagara area where there are very few large holdings.

EXHIBITS:

- 428. Preliminary Plan of property owned by Mrs. Donald R. Tolmie, Part of Lot 1, Concession 5 (former Township of Pelham), Town of Pelham, Regional Municipality of Niagara. C.J. Clarke, Niagara Limited, Ontario Land Surveyors, April 10, 1980.
- 429. Two coloured photographs showing property of Mrs. Donald R. Tolmie and surrounding lands.
- 430. Air photo showing property of Mrs. Donald R. Tolmie, Part Lot 1, Concession 4 and 5, Town of Pelham, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in our recommendations, comments and reasons in the general section of this report.

OWNER: Dr. John N. Jackson

SUMMARY OF SUBMISSION:

Dr. Jackson, who is a resident of the City of St. Catharines, appeared and presented a brief to the hearing which strongly supports the need of a strong, effective and inspiring landscape plan for the Niagara Escarpment. Dr. Jackson indicated that he does not own any land in the Proposed Plan but as a professor at Brock University has had a strong and abiding interest in the Escarpment and is on the Executive of the Bruce Trail Association. He does not agree with the recommendations of the Regional Municipality of Niagara to delete the Lake Erie - Lake Moodie - Welland Canal corridor. He also resists the request of the Region to delete the Jordan Harbour area. Another area of disagreement is allowing the implementation of the Proposed Plan to fall into the hands of the Regional Government.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

AGENT: Glen E. Barr, Planner
OWNER: Dr. and Mrs. R. Martin
LAND: Part Lot 139
Town of Niagara-on-the-Lake

SUMMARY OF SUBMISSION:

In this submission the owners sought an exemption from the Proposed Plan or to have their property proposed in the Plan for Escarpment Natural and Escarpment Protection changed to Escarpment Rural. The property consists of ten acres more or less and Dr. Martin wishes to sever two lots of three and one half acres from the eastern side. The applicants are in the process of restoring an old home which is some 145 years old and are in the position where they require the capital from these sales to complete the restoration.

EXHIBITS:

- 431. Air photo showing large area of land surrounding the property of Dr. and Mrs. R. Martin, Part Lot 139, Niagara-on-the-Lake, Regional Municipality of Niagara.
- 432. Map showing property of Dr. and Mrs. R. Martin, Part Lot 139, Niagara-on-the-Lake, Regional Municipality of Niagara.
- 433. Air photo showing property of Dr. and Mrs. R. Martin, Part Lot 139, Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

On the basis of the evidence adduced we are of the opinion this property is properly designated.

FILE NO. 100-122

SUBMISSION NO. 539

OWNER: Neil Bilbe

LAND: Part Lot 4, Concession 8
Town of Pelham

SUMMARY OF SUBMISSION:

Mr. Bilbe supported the Proposed Plan and was very impressed with the amount of land set aside for public use. He contended that the Proposed Plan must be retained in its entirety.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-35

SUBMISSION NO. 540

AGENT: Oscar R. Gaube, Treasurer

GROUP: Niagara Bruce Trail Club

SUMMARY OF SUBMISSION:

The Club supports the development of the Bruce Trail in a permanent form securing it wherever possible by purchase. They also recommend the trail be continuous and thus prevent the damaging effects of over used short trail sections. The remaining portion of the brief dealt with such matters as maintenance agreements, liabilities, etc. In all the Club support the Proposed Plan for the Niagara Escarpment.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

COUNSEL: D.M. Macfarlane
OWNER: St. Davids Sand and Gravel Limited
LAND: Part Lots 16, 17, 24 and 25
City of Niagara Falls

SUMMARY OF SUBMISSION:

The subject property has been virtually mined out as an extractive area and is proposed to be designated Mineral Resource Area. It is the intention of the owners to rehabilitate the subject lands and to develop them either as a commercial or residential development. This submission requests that the subject lands be removed from the Proposed Plan.

EXHIBITS:

- 434. Curriculum Vitae - Robert Charles O'Dell
- 435. Air photo of subject site, property of St. Davids Sand and Gravel Limited, in the City of Niagara Falls, Regional Municipality of Niagara. Flown 1979. Scale: 1 inch = 100 feet.
- 436. Land use map with planning legend and overlay, illustrating subject site, property of St. Davids Sand and Gravel Limited, in the City of Niagara Falls, Regional Municipality of Niagara.
- 437. Curriculum Vitae - I.P. Martini
- 438. Paleozoic map of Niagara Falls area including property owned by St. Davids Sand and Gravel Limited.
- 439. Air photo showing property of St. Davids Sand and Gravel Limited, Part Lots 16, 17, 24 and 25 (former Township of Stamford), City of Niagara Falls, Regional Municipality of Niagara.

RECOMMENDATION:

That the Proposed Plan be modified by the deletion of the subject lands.

REASONS:

On the basis of the evidence adduced we are of the opinion that the deletion of these lands will not interfere with the objectives of the Proposed Plan.

AGENTS: James Withrow and George Weldon

OWNER: Lookout Point Golf and Country Club Limited and
Concerned Citizens for the Fonthill Kame Moraine

SUMMARY OF SUBMISSION:

The submission of these two organizations was in support of the Proposed Plan.

EXHIBITS:

- 440. Map showing the location of property owners in the Town of Pelham, Regional Municipality of Niagara, giving authorization to Mr. George Weldon to represent them at the Niagara Escarpment Proposed Plan Hearing in St. Catharines, Ontario.
- 441. Authorization by certain residents of the Pelham area of the Regional Municipality of Niagara for George Weldon to represent them at the Proposed Plan Hearing in St. Catharines, Ontario.

RECOMMENDATION:

None.

REASONS:

See Reason Section under Submission 603 (Steed and Evans Limited).

FILE NO. 100-72

SUBMISSION NO. 543

AGENT: Eric Salmond, Director

GROUP: Foundation for Aggregate Studies

SUMMARY OF SUBMISSION:

This submission supports the Proposed Plan insofar as it applies to the Niagara Region.

EXHIBIT:

442. Ontario Geological Survey Aggregate Resources Inventory Paper 4: Aggregate Resources Inventory of the Town of Pelham, Regional Municipality of Niagara, Southern Ontario. Ministry of Natural Resources, 1980.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Miss Jean Grandoni
LAND: Part Lots 99, 104 and 117
City of Niagara Falls

SUMMARY OF SUBMISSION:

This brief sets out the opinion that the Proposed Plan maps invite development by their very omission of the word agriculture and Miss Grandoni feels that the Proposed Plan should place more emphasis on agriculture particularly in the area of the Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in our recommendations, comments and reasons in the general section of this report.

FILE NO. 100-47

SUBMISSION NO. 545

OWNER: Stephen Jakymin

LAND: Part Lots 18 and 19, Concession 3 and 4
Town of Lincoln

SUMMARY OF SUBMISSION:

Mr. Jakymin operates a 35 acre fruit farm which is proposed to be designated Escarpment Protection. He requested that he be given freedom to operate his farm without the Niagara Escarpment Commission approval or his property be removed from the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in our recommendations, comments and reasons in the general section of this report.

OWNER: Mr. and Mrs. Paolasini and Toni Paolasini

LAND: Part Lot 22, Concession 3
Town of Grimsby

SUMMARY OF SUBMISSION:

The subject lands comprise 18 acres and are proposed to be designated Escarpment Protection. The owners are concerned that rural plans of subdivision are not a permitted use in the Escarpment Protection designation but are permitted in the Escarpment Rural designation.

EXHIBIT:

443. Air photo showing property of Mr. and Mrs. A. Paolasini, Part Lot 22, Concession 3 (former Township of North Grimsby), Town of Grimsby, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in our recommendations, comments and reasons in the general section of this report.

FILE NO. 100-42

SUBMISSION NO. 547

OWNER: Rankin Gauld

LAND: Part Lots 8, 9, 12 and 13
City of Niagara Falls

SUMMARY OF SUBMISSION:

The subject property consists of approximately 160 acres and is proposed to be designated Escarpment Natural, Escarpment Protection, and Escarpment Rural. While the owner has no immediate problems, the uses are too limited and therefore the owner wants the subject lands removed from the Proposed Plan.

EXHIBIT:

444. Air photo showing property of Rankin Gauld, Part
Lots 8, 9, 12 and 13, City of Niagara Falls,
Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

We are of the opinion this property has been properly designated and should remain in the Proposed Plan.

COUNSEL: Burton Kellock and A.M. Heisey
OWNER: TCG Materials Limited
LAND: Part Lot 6
 Part of Closed Road Allowance Between Lots 6 and 7
 Town of Pelham

SUMMARY OF SUBMISSION:

This submission requested that the Proposed Plan be modified by deleting this property for the following main reasons:

1. The property is above and does not form part of the Escarpment or Escarpment related geological features.
2. The property is a very small part of the Fonthill Kame Delta of which only one quarter falls within the Proposed Plan.
3. The Kame was rejected as a possible Earth Science Nature Reserve by the Ministry of Natural Resources.
4. The Niagara Escarpment Commission itself recommended deletion of lands to the south, east and west of the subject property because the Fonthill Kame was considered remote from the Escarpment and rated a low priority as a visual landscape area.
5. The property drains to the Fifteen Mile Creek and Welland River basins. It does not form part of the Twelve Mile Creek drainage basin. The proposed use of the property will have no adverse effects on local wells or springs.
6. The property is not part of the Escarpment landscape unit. It does not provide a view of the Escarpment nor can it be seen from the Escarpment.

EXHIBIT:

445. Air photo showing property of TCG Materials Limited,
Town of Pelham, Regional Municipality of Niagara
with added information and legend.

RECOMMENDATION:

None.

REASONS:

See Submission 489 (Regional Municipality of Niagara) wherein
the subject lands were recommended for deletion.

FILE NO. 100-93

SUBMISSION NO. 549

OWNER: Mr. and Mrs. Greg Laughton

SUMMARY OF SUBMISSION:

This oral submission by these residents of Fontheill was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-87

SUBMISSION NO. 550

AGENT: J.D. Nasmith, President

GROUP: Peninsula Field Naturalists

SUMMARY OF SUBMISSION:

This group, in its submission, set out its strong support for the Proposed Plan as it applies to the Niagara Region.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Arthur Smith

LAND: Lot 12 and Part Lot 11, Concession 6
Town of Lincoln

SUMMARY OF SUBMISSION:

This submission is regarding 175 acres of land located south of the Cave Springs area in the Town of Lincoln and covered under three designations: Escarpment Natural, Escarpment Protection and Escarpment Rural with all the Escarpment Natural Area being shown for acquisition. The owner's main concern is the regulations over the portions of the land that are not Escarpment itself. He is at a loss to understand why the Proposed Plan should extend to land half a mile from the visible scarp. The regulations of the Proposed Plan are detrimental to agriculture and he cited specific sections dealing with farm buildings and their replacement with which exception is taken. He is opposed to any plans to create a park at Cave Springs and points to dangers to the public arising from the use of his farm chemicals if his produce is sampled by any persons visiting the Park. Urbanization encroachment should be prevented.

It is proposed that all land not directly involved by the Escarpment be dropped from control of the Niagara Escarpment Commission. Any parks to be acquired should be for fair value and fenced.

EXHIBIT:

446. Air photo showing property of Arthur Smith, Lot 12 and Part Lot 11, Concession 6 (former Township of Clinton), Town of Lincoln, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

We are of the opinion these lands are properly designated in the Proposed Plan.

OWNER: James Vidal Jr.
LAND: Part Lot 12, Concession 4 and 5
Part Lot 12, Concession 5
Town of Lincoln

SUMMARY OF SUBMISSION:

This owner has four properties referred to as Part 1, 2, 3 and 4. What he really wants is to have properties 1, 2 and 3, shown on Exhibit 447, removed from the Proposed Plan. These lands are all in the Escarpment Protection designation. It would appear that what this owner desires is to be free of Niagara Escarpment Commission regulations and under local administration where he is willing to take his chances re procuring of land severances and wood harvesting or planting operations as he deems proper.

EXHIBIT:

447. Air photo showing property of James Vidal Jr., Part Lot 12, Concession 4 and 5 (former Township of Clinton), Town of Lincoln, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

We are of the opinion that these lands are properly designated in the Proposed Plan and should remain in the Plan.

FILE NO. 100-76

SUBMISSION NO. 553

AGENT: Miss Gayle Hall, Supervisor of Planning

GROUP: Niagara Peninsula Conservation Authority

SUMMARY OF SUBMISSION:

This submission stated that the Authority is in general support of the Proposed Plan but set out several recommendations concerning their land holdings and leased properties. At the hearing the Niagara Escarpment Commission agreed with all these recommendations. One recommendation dealt with private lands on Lot 183 and 184, Town of Niagara-on-the-Lake and Part Gore Lot 12, City of Niagara Falls, that the woodlots be designated as Escarpment Natural.

RECOMMENDATION:

None.

REASONS:

The matter of private lands has been dealt with in our recommendations, comments and reasons in the general section of this report. As far as the other recommendations referred to above, we are of the opinion that these can be dealt with satisfactorily by the Niagara Escarpment Commission.

AGENT: Keith Milne, Secretary

GROUP: Niagara Region Chamber of Commerce

SUMMARY OF SUBMISSION:

The brief submitted by the Chamber of Commerce was most critical of the Niagara Escarpment Commission's efforts to date and makes the following recommendations:

1. That lands within areas of control to be recommended in your final report be severely limited.
2. That provincial authorities compensate existing landowners for devalued properties within those boundaries.
3. That if your final recommendations regarding lands outside the Niagara Peninsula may delay the overall report, that you finalize and present your report on the Niagara Peninsula land sooner and immediately thereafter relinquish control here.
4. That your report be finalized and presented in the very near future and without any additional delays.
5. That controls be returned to municipalities immediately following which the Niagara Escarpment Commission ceases to exist.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon and to make any recommendation on it.

FILE NO. 100-59

SUBMISSION NO. 555

COUNSEL: D.M. Hummell

OWNER: Robert Biggar

LAND: Part Lot 2, Concession 5
Town of Lincoln

SUMMARY OF SUBMISSION:

The submission deals with 24.5 acres of land designated in the Proposed Plan as Escarpment Natural and Escarpment Protection. They were purchased in 1955 for a part-time farm operation to supplement the owner's income. This continued until 1965 when it became uneconomical to continue. The lands are now fallow with most of the grapevines dead. The owner wants a rural designation for the property which has a 600 foot frontage on Moyer Road. While the property commands a good view even to Toronto, it is wooded on three sides and any building permitted would be completely hidden. It is alleged that the subject property has a low priority for agriculture and that its development for residential use would not concern the responsible Ministry. To support this contention a letter, Exhibit 452, was entered from the Food Land Development Branch of the Ministry of Agriculture and Food.

EXHIBITS:

- 448. Key plan of survey M-2, including property of Robert Biggar, Part Lot 2, Concession 5, Township of Clinton, County of Lincoln. 1963.
- 449. Sketch of proposed rural residential subdivision, property of Robert Biggar, Part of Lot 2, Concession 5, Town of Lincoln, Regional Municipality of Niagara, 1974.
- 450. Air photo, Ministry of Transportation and Communications, an area of the Town of Lincoln

including escarpment area and property of Robert Biggar, west of Regional Road 24.

- 451. Air photo showing marked property of Robert Biggar, Moyer Road, Town of Lincoln, Regional Municipality of Niagara.
- 452. Letter, dated March 9, 1979, addressed to Mr. Bob Biggar from Harold J. Flaming, Field Officer, Rural Planning, Food Land Development Branch, Ministry of Agriculture and Food.
- 453. Air photo showing visable rock face both west and south of Robert Biggar property, Moyer Road, Town of Lincoln.
- 454. Air photo showing property of Robert Biggar, Part Lot 2, Concession 5 (former Township of Clinton), Town of Lincoln, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

In our opinion these lands are properly designated in the Proposed Plan. If our recommendations allowing estate residential subdivisions in the Escarpment Protection Areas is approved then the request herein will partially be met.

FILE NO. 100-33

SUBMISSION NO. 556

OWNER: Dr. Emil Zmenak

LAND: Part Lot 11, Concession 5
Town of Lincoln

SUMMARY OF SUBMISSION:

The owner outlined his problem in procuring development permits for his land. His concern re the timing of acquisition of his property now appears to be reaching the stage of resolution where definite action will be taken by the pertinent Conservation Authority to acquire his land.

RECOMMENDATION:

None.

REASONS:

The owner made no request with respect to the Proposed Plan.

AGENT: G.E. Barr, Planning Consultant
OWNER: B. Devesne
LAND: Part Lot 835, Corporation Plan No. 6
City of St. Catharines

SUMMARY OF SUBMISSION:

This submission deals with 3.6 acres of land shown in the Proposed Plan as an area of Direct Provincial Interest. The owner seeks to have the overlay designation of the Provincial Interest removed from these lands leaving them in the Urban Centre Outer Area designation.

RECOMMENDATION:

That the Proposed Plan be modified by designating this property as Urban Centre.

REASONS:

The Niagara Escarpment Commission's staff at the hearing were in agreement with the above and so testified.

FILE NO. 100-80

SUBMISSION NO. 558

COUNSEL: J.J. Broderick, Q.C.
OWNER: T.G. Bright & Co. Limited
LAND: Part Lot 6, 7, 13, 14, 27 and 28
City of Niagara Falls

SUMMARY OF SUBMISSION:

This submission deals with lands in the ownership of the above named company shown on Exhibit 455 and designated Escarpment Natural, Escarpment Protection and Escarpment Rural in the Niagara Escarpment Proposed Plan. All of the above are not being requested for change.

The Company requests that changes be made as shown on Exhibit 456 and specifically as follows:

Parcel A

This parcel contains 126 acres designated as Escarpment Rural in the Proposed Plan and the Company requests that all but the 17.76 acres designated in "brown" on Exhibit 456 be exempt from the Proposed Plan and that the residual be changed from Escarpment Rural to Escarpment Protection.

Parcel C

Some 119 acres shown as Escarpment Rural in the Proposed Plan be deleted from the Plan.

Parcel E

Some 3.5 acres shown as Escarpment Rural in the Proposed Plan be deleted.

No changes are sought for the other lands shown on Exhibit 455.

It is contended that there are no scarp features on any of the lands for which change is requested sufficient to merit their inclusion in the Proposed Plan; nor are they required for buffering.

Evidence in support of the request was given by a qualified consulting engineer and his testimony and exhibits demonstrate the flatness of the land.

EXHIBITS:

455. Map 1, showing property of T.G. Bright & Co. Limited City of Niagara Falls, Regional Municipality of Niagara, showing designations under the Proposed Plan of the Niagara Escarpment Commission.
456. Map 2, showing property of T.G. Bright & Co. Limited City of Niagara Falls, Regional Municipality of Niagara, showing requested changes made by T.G. Bright & Co. Ltd., requesting a portion of "A". and all of "C" and all of "E: be deleted from the Proposed Plan.
457. T.G. Bright & Co. Limited, pictorial presentation of lands north of Mountain Road, west of the Queen Elizabeth Highway, City of Niagara Falls including three maps. Photographs taken by Allen R. Goar, December, 1981.
458. City of Niagara Falls, Planning and Development Committee report: PD/7/82 dated January 20, 1982 re T.G. Bright & Co. Limited proposal. Certified true and correct, Deputy Clerk, February 22, 1982.
459. City of Niagara Falls, Minutes of Council, January 25, 1982, re T.G. Bright & Co. Limited proposal. Certified true and correct, Deputy Clerk, February 22, 1982.
460. Council resolution 2-82, The Regional Municipality of Niagara, February 4, 1982 re T.G. Bright & Co. Limited lands. Certified true and correct, Clerk.
461. Air photo showing property of T.G. Bright & Co. Limited

Part Lots 6, 7, 13, 14, 27 and 28 (former Township of Stamford), City of Niagara Falls; and Part Lot 136, Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

While there is qualified support from the City and the Regional Municipality of Niagara for the request from T.G. Bright & Co. Limited the evidence adduced does not convince us to make any recommendations to modify the Proposed Plan.

OWNER: Peter Grandoni

SUMMARY OF SUBMISSION:

This submission voices the concerns of the above named with regard to many aspects of the Proposed Plan. Many of the points raised were not supported by the kind of evidence necessary to permit us to adjudicate upon their merits in determining any changes from the proposals put before us by the Niagara Escarpment Commission.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon and to make any recommendation on it.

FILE NO. 100-130

SUBMISSION NO. 560

OWNER: Alfred Blaney
LAND: Part Lot 21, Concession 4
Town of Lincoln

SUMMARY OF SUBMISSION:

This submission voices strong opposition to the Niagara Escarpment Commission. The owner of the above lands designated Escarpment Natural and Escarpment Protection has in the past received a negative response in his application for a retirement lot. He purchased his property in 1964 with a long term goal to build a home on a lot to be severed. It is requested that these lands, some 31 acres, be removed from the Proposed Plan.

EXHIBIT:

462. Air photo showing property of Alfred Blaney, Part Lot 21, Concession 4, Town of Lincoln, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

On the basis of the evidence we are of the opinion that this land is properly included in the Proposed Plan and properly designated.

AGENT: Alfred Blaney
OWNER: Steve Armbruster
LAND: Lot 20, Concession 4
Town of Lincoln

SUMMARY OF SUBMISSION:

Mr. Armbruster simply indicated he wanted his land removed from the Proposed Plan because the rules laid down by the Niagara Escarpment Commission are too restrictive.

EXHIBIT:

463. Air photo showing property of Steve Armbruster,
Part Lot 20, Concession 4, Town of Lincoln,
Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

On the basis of the evidence we are of the opinion that this land is properly included in the Proposed Plan and properly designated.

FILE NO. 100-126

SUBMISSION NO. 562

OWNER: G. Robert Hambleton
LAND: Part Lot 2, Concession 6
Town of Lincoln

SUMMARY OF SUBMISSION:

This applicant owns a parcel of land approximately one and a half acres in size in the Vineland area which the Proposed Plan designates as Escarpment Protection. He says that he has attempted to sell the lot many times but is unable to because he is not able to get a development permit. He states that he was not opposed to the Niagara Escarpment Commission but is opposed to the Bruce Trail. He does not understand why he cannot build on the land because it is wasteland and in any event wants to be taken out.

EXHIBIT:

464. Air photo showing property of G. Robert Hambleton,
Part Lot 2, Concession 6, Town of Lincoln, Regional
Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

On the basis of the evidence we are of the opinion that this land is properly included in the Proposed Plan and properly designated.

COUNSEL: R.F. Miller
OWNER: Mrs. M.L. Bartsch
LAND: Part Lot 15, Concession 5
Town of Lincoln

SUMMARY OF SUBMISSION:

Marie Louise Bartsch has her property designated Escarpment Protection in the Proposed Plan and would like the entire property removed or changed to Escarpment Rural. She indicated to the hearing that she purchased the land in 1972 with the purpose of developing estate lots.

Robert James Miller, a planning consultant, was called to give evidence and he gave in detail the land use regulations locally as well as a history of the property. It is his opinion that the subject land fits the criteria of Escarpment Rural Area better than that proposed.

A professional agrologist, J.M. Hagarty, was also called who reviewed the soil classes on the subject property and concluded that there are few sites which are as uniquely separated as this one and have such little good agricultural land.

EXHIBITS:

- 465. Site plan showing property of Mrs. M.L. Bartsch, Town of Lincoln, with three overlays showing generalized land use, official plans and the Niagara Escarpment Commission Plan.
- 466. Curriculum Vitae - Robert James Miller
- 467. Curriculum Vitae - Jerome M. Hagarty
- 468. Air photo showing property of Mrs. M.L. Bartsch, Town of Lincoln.

469. Air photo showing property of Mrs. M.L. Bartsch, Part Lot 15, Concession 5 (former Township of Clinton), Town of Lincoln, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

On the basis of the evidence we are of the opinion that this land is properly included in the Proposed Plan and properly designated. If our recommendation allowing estate residential subdivisions in the Escarpment Protection Areas is approved then the request herein will partially be met.

OWNERS: Blair W. Hansler and John A. Hansler

LAND: Part Lot 3, Concession 5
Town of Pelham

SUMMARY OF SUBMISSION:

The brief which was presented by Mr. Hansler covers six different lots, although Ontario Hydro owns 2.5 acres in the form of a 100 foot wide allowance running across the property. The property is proposed as an Escarpment Protection Area in the Proposed Plan. One important aspect of this submission was that it will be necessary for the owners to obtain permanent access to a northern lot. The owner would either like to have some exemption to be able to proceed with their development plans or be removed from the Proposed Plan. They also contend that their property is not in the vicinity of the Escarpment.

EXHIBIT:

470. Air photo showing property of Blair Hansler,
Part Lot 3, Concession 5, Town of Pelham,
Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in recommendations, comments and reasons in the general section of this report. If our recommendation allowing estate residential subdivisions in the Escarpment Protection Areas is approved then the request herein will partially be met.

FILE NO. 100-127

SUBMISSION NO. 565

OWNER: J.B. Thompson
LAND: Part Lot 7, Concession 5
Town of Lincoln

SUMMARY OF SUBMISSION:

Mr. Thompson has owned this property for many years and has always anticipated using the revenue from subdividing the lots for his retirement. He wants his lands removed from the Proposed Plan. The lands are proposed to be designated Escarpment Natural and Escarpment Protection.

EXHIBIT:

471. Air photo showing property of James B. Thompson,
Part Lot 7, Concession 5 (former Township of Clinton),
Town of Lincoln, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

On the basis of the evidence we are of the opinion that this land is properly included in the Proposed Plan and properly designated. If our recommendation allowing estate residential subdivisions in the Escarpment Protection Areas is approved then the request herein will partially be met.

AGENT: James D. Williams, President
OWNER: Kampco Recreation Limited
LAND: Part Lots 17 and 18, Concession 5
Town of Lincoln

SUMMARY OF SUBMISSION:

James D. Williams indicated that the farm is presently being used to grow Christmas trees and it has always been the intention of the company to use the land for residential development in the future. It is his wish that the entire property be deleted from the Proposed Plan. The lands are proposed to be designated Escarpment Protection.

EXHIBIT:

472. Air photo showing property of Kampco Recreation Limited, Part Lot 17 and 18, Concession 5 (former Township of Clinton), Town of Lincoln, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

On the basis of the evidence we are of the opinion that this land is properly included in the Proposed Plan and properly designated. If our recommendation allowing estate residential subdivisions in the Escarpment Protection Areas is approved then the request herein will partially be met.

FILE NO. 100-123

SUBMISSION NO. 567

OWNER: Dr. Donald C. MacRae
LAND: Part Lot 6, Concession 6
Town of Pelham

SUMMARY OF SUBMISSION:

The brief submitted in this case completely supports the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

See Reasons under Submission 603 (Steed and Evans Ltd.).

FILE NO. 100-115

SUBMISSION NO. 568

OWNER: Raymond and Barbara Johnson
LAND: Part Lot 5 and 6, Concession 7
Town of Pelham

SUMMARY OF SUBMISSION:

The Johnsons are the owners of a motel known as Hepwell's Motel and presented a brief which supports the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This property was recommended to be deleted under Submission 489 (Regional Municipality of Niagara).

FILE NO. 100-121

SUBMISSION NO. 569

OWNER: Rowland Hill

SUMMARY OF SUBMISSION:

Mr. Hill who is not involved in the Proposed Plan read a brief in support.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Neil Main
LAND: 1617 Effingham Street
Town of Pelham

SUMMARY OF SUBMISSION:

Mr. Main who is a member of the Kame Group read a brief completely supporting the Niagara Escarpment Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This property was recommended to be deleted under Submission 489 (Regional Municipality of Niagara).

FILE NO. 100-134

SUBMISSION NO. 571

OWNER: Keith Mitchell

LAND: 229 Tice Road
Part Lot 4, Concession 6
Town of Pelham

SUMMARY OF SUBMISSION:

Mr. Mitchell supports the Proposed Plan and lives in the Kame Area. He distrusts the Regional Municipality of Niagara and the Town of Pelham.

RECOMMENDATION:

None.

REASONS:

See Reasons under Submission 603 (Steed and Evans Ltd.).

FILE NO. 100-111

SUBMISSION NO. 572

OWNER: W.A. Rice

LAND: Part Lot 8, Concession 6
Town of Pelham

SUMMARY OF SUBMISSION:

Mr. Rice who is a member of the Kame Group read a brief in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

See Reasons under Submission 603 (Steed and Evans Ltd.).

FILE NO. 100-112

SUBMISSION NO. 573

OWNER: Edward W.N. Morgan

LAND: Part Lot 6, Concession 9

SUMMARY OF SUBMISSION:

Mr. Morgan who lives about two miles from the Kame Area spoke in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-113

SUBMISSION NO. 574

OWNER: Mrs. Dorothy Mathias

LAND: 1907 Effingham Road
Town of Pelham

SUMMARY OF SUBMISSION:

Mrs. Mathias stated she likes a Board which has no local input and supports the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-114

SUBMISSION NO. 575

OWNER: Mrs. Mary Anne Mathias

LAND: Lot 5, Concession 5
Town of Pelham

SUMMARY OF SUBMISSION:

Mrs. Mathias stated that she is interested in the Short Hills and Kame Areas and as a farmer she is concerned that the wells in the area may be disturbed.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-105

SUBMISSION NO. 576

OWNER: Mrs. Audrey Roland

LAND: Part Lot 6, Concession 4
Town of Pelham

SUMMARY OF SUBMISSION:

Mrs. Roland has a lot which consists of some 2.5 acres and wishes the Escarpment Protection designation to remain.

RECOMMENDATION:

None.

REASONS:

None necessary.

FILE NO. 100-110

SUBMISSION NO. 577

OWNER: Mr. and Mrs. Peter Grant

LAND: Part Lots 8 and 9, Concession 10
Town of Pelham

SUMMARY OF SUBMISSION:

This applicant has a five acre parcel of land in the Kame Area and because of his interest in nature says it should never be defaced. He described himself as a custodian of the land and that it should be protected from commercialism. He fears turning control over to local councils who will permit anything.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Mrs. Anne Sharpe

SUMMARY OF SUBMISSION:

Mrs. Sharpe, who is a resident of Fonthill, spoke in support of the Kame Area being protected by the Proposed Plan. She spoke of the possibility of the destruction of the Lookout Point Golf Course if the Kame was ever disturbed.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-107

SUBMISSION NO. 579

OWNER: Mrs. Dorothy Daley
LAND: 26 Daleview Crescent
Fonthill, Ontario

SUMMARY OF SUBMISSION:

Mrs. Daley indicated that although she lives within the built up area of the Town, she was only a five minute walk from the rolling hills of the Kame. She supports the continuing protection of the Proposed Plan and the Niagara Escarpment Commission.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Charles Bissell

LAND: Lot 4, Concession 5
Town of Pelham

SUMMARY OF SUBMISSION:

Mr. Bissell owns 100 acres of land and on 80 acres he operates a campground. While the remaining 20 acres are fruitland, Mr. Bissell strongly supports the Proposed Plan because to disturb the area may result in the loss of recreational facilities which his campground enjoys. He is also concerned about disturbing the water supply and feels his clients may seek other natural areas outside the Province if this area were changed in any way.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-95

SUBMISSION NO. 581

AGENT: Arthur B. Scott

GROUP: St. John's Valley Community

LAND: Various

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and was strongly opposed to removal of any part of the Fonthill Kame from the jurisdiction of the Niagara Escarpment Commission.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-94

SUBMISSION NO. 582

OWNER: W. Brian Walker

LAND: 57 Canboro Road West
Fonthill, Ontario

SUMMARY OF SUBMISSION:

This oral presentation was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-119

SUBMISSION NO. 583

AGENT: David Rodriguez
OWNER: New England Slate Limited
LAND: Part Lot 5, Concession 6
Town of Pelham

SUMMARY OF SUBMISSION:

This submission was in support of the Escarpment Protection designation proposed for the subject property.

RECOMMENDATION:

None.

REASONS:

None necessary.

FILE NO. 100-104

SUBMISSION NO. 584

OWNER: Mrs. Helen Fishburn
LAND: 1621 Lookout Street
R.R. 1
Ridgeville, Ontario

SUMMARY OF SUBMISSION:

This submission was in support of the Escarpment Natural designation proposed for the subject property and was also in favour of more control for the Niagara Escarpment Commission.

RECOMMENDATION:

None.

REASONS:

See Reasons under Submission 603 (Steed & Evans Ltd.).

FILE NO. 100-102

SUBMISSION NO. 585

OWNER: Mrs. Deborah Smith
LAND: On Sulphur Springs Road
Ridgeville, Ontario

SUMMARY OF SUBMISSION:

This submission was in support of keeping the Fontheil Kame Area in the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-118

SUBMISSION NO. 586

OWNER: Rolf H. Scholn
LAND: 1950 Effingham Road
R.R. 1
Ridgeville, Ontario

SUMMARY OF SUBMISSION:

This brief was in support of the Proposed Plan and in particular the retention of the Fonthill Kame Area in the Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-124

SUBMISSION NO. 587

OWNER: Mrs. Mary Morse

LAND: 1509 Effingham Road
R.R. 3
Fenwick, Ontario

SUMMARY OF SUBMISSION:

This brief was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

The subject property has been recommended for removal from the Proposed Plan in Submission 489 (Regional Municipality of Niagara).

FILE NO. 100-101

SUBMISSION NO. 588

OWNER: Mrs. Ingrid Harmes
LAND: 411 Kilman Road
Ridgeville, Ontario

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-98

SUBMISSION NO. 589

OWNER: Mrs. Madge Martin

LAND: 2233 Effingham Road
Ridgeville, Ontario

SUMMARY OF SUBMISSION:

This brief was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-103

SUBMISSION NO. 590

OWNER: Mrs. Sandra J. Walker
LAND: 2226 Effingham Street
R.R. 1
Ridgeville, Ontario

SUMMARY OF SUBMISSION:

This brief was in support of the Escarpment Protection designation proposed for the subject property and was in support of the Proposed Plan except that Mrs. Walker felt that there should be less restrictions on land severances for full-time farming families in the Escarpment Protection Areas.

RECOMMENDATION:

None.

REASONS:

Agricultural land severances are dealt with elsewhere in this report.

FILE NO. 100-49

SUBMISSION NO. 591

AGENT: Mrs. Stephanie Kindt

GROUP: Ontario Trail Riders Association

SUMMARY OF SUBMISSION:

This submission was made by the President of the Niagara Trail Riders Association and pointed out the benefits derived from riding. She feels that the horse people should have equal access to the trails and that full consideration should be given to this in the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. 100-99

SUBMISSION NO. 592

OWNER: Brian Tighe

LAND: 2505 Orchard Hill Road
Pelham, Ontario

SUMMARY OF SUBMISSION:

Mr. Tighe has a lot of about two acres and wishes to remain under the control of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

None necessary.

FILE NO. 100-97

SUBMISSION NO. 593

OWNER: Mrs. Anne Robinson

LAND: 1180 Haist Street
Fonthill, Ontario

SUMMARY OF SUBMISSION:

Anne Robinson who lives in Fonthill loves the rural atmosphere and parklike surroundings. She spoke of the stewardship of the land and particularly the Kame Area and feels the Proposed Plan will afford the protection it needs.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: William and Rose Sametz
LAND: Part Lot 1, Concession 2
Town of Grimsby

SUMMARY OF SUBMISSION:

The applicant in this case owns about 57 acres of land which are situated south of Regional Road 81 and these lands abut the Escarpment. He purchased the land with the intention of developing it. The subject property is proposed as Escarpment Natural and Escarpment Protection in the Proposed Plan. He would like to develop a unique retirement community and stated that all services are available. It appears that such a use would be classified as an institutional use.

EXHIBIT:

473. Air photo showing property of William and Rose Sametz, Part Lot 1, Concession 2, Town of Grimsby, Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

In our opinion these lands have been properly designated in the Proposed Plan. In our recommendations, comments and reasons in the general section of this report we have recommended that some provisions for permitting more development in Escarpment Protection Areas be included in the Proposed Plan by allowing new lots to be created by low density plans of subdivision.

FILE NO. 100-9

SUBMISSION NO. 595

AGENT: Robert Leverty

GROUP: Coalition on the Niagara Escarpment

SUMMARY OF SUBMISSION:

In this submission the Coalition on the Niagara Escarpment took five major issues in which they are interested and developed each. These are as follows:

1. Jordan Harbour, Marsh and Twenty Mile Creek.
2. Lake Moodie - Lake Gibson Area.
3. Recommended deletions by the Regional Government.
4. Bruce Trail in the Regional Municipality of Niagara.
5. Short Hills and Kame Area.

During this brief, the Coalition on the Niagara Escarpment again emphasized the necessity of not allowing any deletions which would interfere with the continuous aspect of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

All of the points raised in this submission have been dealt with elsewhere in this report.

OWNER: Randy Melnechuk
LAND: Part Lot 23, Concession 6
Town of Lincoln

SUMMARY OF SUBMISSION:

Mr. Melnechuk owns and operates a horse farm and riding school on about 54 acres of land on Regional Road 24. While he strongly supports the concept of the Proposed Plan and its goals he feels that his property should be designated Escarpment Rural rather than Escarpment Protection. It is his opinion that the operation could expand more easily.

Mr. Logan, a qualified planner, and Mr. Hagarty, an agrologist, were both called to support the contention that a change to a "Rural" designation was appropriate.

EXHIBIT:

474. Air photo showing property of Randy Melnechuk,
Part Lot 23, Concession 6, Town of Lincoln,
Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

The evidence does not convince us that the subject property has been improperly designated.

FILE NO. 100-117

SUBMISSION NO. 597

OWNER: Wayne Johnson
LAND: Part Lot 6, Concession 6
Town of Pelham

SUMMARY OF SUBMISSION:

Mr. Johnson owns a former schoolhouse and has approximately 1.21 acres. He uses the property for a residence and a pre-school operation. In this connection he has had three development permits.

He completely supports the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: R.E. Reese
LAND: 1599 Pelham Street
Fonthill, Ontario

SUMMARY OF SUBMISSION:

Mr. Reese lives in the Village of Fonthill and supports the Proposed Plan because it ensures that the area will receive a much larger degree of continued protection.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-135

SUBMISSION NO. 599

OWNER: Val Csets

LAND: Part Lot 15, Concession 4
Town of Lincoln

SUMMARY OF SUBMISSION:

Mr. Csets has a 16.5 acre site which is located just outside the urban boundary of Beamsville. He would like to construct a single family home but may have some difficulty because the land has no frontage on a public road. This submission requested removal of the subject property from the Proposed Plan.

RECOMMENDATION:

That the Proposed Plan be modified by deletion of the subject property.

REASONS:

The deletion of this property will not interfere with the objectives of the Proposed Plan.

FILE NO. 100-53

SUBMISSION NO. 600
(Written Only)

GROUP: Hamilton Naturalists' Club

SUMMARY OF SUBMISSION:

This was a written submission by the above named club which supported the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-88

SUBMISSION NO. 601
(Written Only)

OWNER: A.E. Howey

SUMMARY OF SUBMISSION:

This written submission is opposed to any change in the Proposed Plan and in strong support of the "Short Hills" and the "Kame" being left within the Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 100-136

SUBMISSION NO. 602
(Written Only)

OWNER: R.A. Wessel

LAND: 2260 Effingham Road
Town of Pelham

SUMMARY OF SUBMISSION:

This written submission was in support of the Proposed Plan as long as it is reviewed every ten to fifteen years.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

COUNSEL: M. Paul Forestell, Q.C.
OWNER: Steed and Evans Ltd.
LAND: Part Lot 4 and 5, Concession 6
Town of Pelham

SUMMARY OF SUBMISSION:

The subject lands comprise some 125 acres and are proposed to be designated Escarpment Natural and Escarpment Protection in the Proposed Plan and are a part of a geological feature known as the Fonthill Kame Delta. This submission requested that the subject lands be removed from the Niagara Escarpment Proposed Plan for the following main reasons:

1. The property is above and does not form part of the Escarpment nor any Escarpment dependant or Escarpment related geological feature.
2. The property is a very small part of a geological feature known as the Fonthill Kame Delta which extends for some 2,100 acres. Only 1/4 of the Kame falls within the Proposed Planning Area. The highest point of the Kame is not located on the Steed and Evans property.
3. The Kame was rejected as a possible Earth Science Nature Reserve by the staff of the Ministry of Natural Resources.
4. The Niagara Escarpment Commission itself recommended deletion of lands to the south, east and west of the Steed and Evans property from the Planning Area because the Fonthill Kame Delta was considered remote from the Escarpment and rated a low priority as a visual landscape area.
5. The property drains to the Twelve Mile Creek basin as

does other lands that have been excluded from the Planning Area by the Niagara Escarpment Commission.

Lengthy expert evidence was adduced which was almost entirely directed towards attempting to establish that the general area which includes the subject property is not part of the Escarpment or lands in its vicinity.

EXHIBITS:

- 475. Map 1 - Paleozoic Geology of the Pelham Area. Steed and Evans Ltd., Fonthill Pit. Scale: 1:12500. Ecologistics Ltd., Kitchener, Ontario.
- 476. Map 2 - Pleistocene Geology of the Pelham Area. Steed and Evans Ltd., Fonthill Pit. Scale: 1:12500. Ecologistics Ltd., Kitchener, Ontario.
- 477. Map 3 - Alternative Escarpment Corridors. Steed & Evans Ltd., Fonthill Pit. Scale: 1:12500. Ecologistics Ltd., Kitchener, Ontario.
- 478. Map 4 - Earth Science Features, Pelham Area. Steed & Evans Ltd., Fonthill Pit. Scale: 1:12500. Ecologistics Ltd., Kitchener, Ontario.
- 479. Map 5 - Aquatic Resources, Pelham Area. Steed & Evans Ltd., Fonthill Pit. Scale: 1:12500. Ecologistics Ltd., Kitchener, Ontario.
- 480. Map 6 - Natural Features, Pelham Area. Steed & Evans Ltd., Fonthill Pit. Scale: 1:12500. Ecologistics Ltd., Kitchener, Ontario.
- 481. Map 7 - Scenic and Historic Features, Pelham Area. Steed & Evans Ltd., Fonthill Pit. Scale: 1:12500. Ecologistics Ltd., Kitchener, Ontario.
- 482. Map 7 A - Visibility of the Fonthill Edge. Steed & Evans Ltd., Fonthill Pit. Scale: 1:12500. Ecologistics Ltd.,

Kitchener, Ontario.

483. Map 8 - Resources in the Vicinity of the Escarpment.
Steed & Evans Ltd., Fonthill Pit. Scale: 1:12500.
Ecologistics Ltd., Kitchener, Ontario.
484. Map 9 - Aggregate Resources, Fonthill Kame. Steed &
Evans Ltd., Fonthill Pit. Scale: 1:12500. Ecologistics
Ltd., Kitchener, Ontario.
485. Map 10 - Lands Available for Mining, Fonthill Kame.
Steed & Evans Ltd., Fonthill Pit. Scale: 1:12500.
Ecologistics Ltd., Kitchener, Ontario.
486. Ministry of Natural Resources, Ontario Geological
Survey, Preliminary Map P.2399, Recommended High
Priority Mineral Resource Protection Areas, Proposed
Niagara Escarpment Planning Area (PNEPA), Scale:
1:250,000 dated 1981.
487. Map 11 - Agricultural Capability, Fonthill Kame.
Steed & Evans Ltd., Fonthill Pit. Scale: 1:12500.
Ecologistics Ltd., Kitchener, Ontario.
488. Map 12 - Alternative Plan for the Niagara Escarpment,
Pelham Area. Steed & Evans Ltd., Fonthill Pit.
Scale: 1:12500. Ecologistics Ltd., Kitchener, Ontario.
489. Vegetation and Replanting report prepared by Dr. Derek
J. Coleman, January 1980 for presentation at a Niagara
Escarpment Commission development control permit
application hearing. Field work done in 1978.
490. Nine Items: A series of nine maps, Paleozoic Geology,
Ontario Division of Mines, Ministry of Natural Resources:
 1. Map 2344, Niagara, Paleozoic Geology
 2. Map 2343, Grimsby, Paleozoic Geology
 3. Map 2336, Hamilton, Paleozoic Geology
 4. Map 2337, Brampton, Paleozoic Geology

5. Map 2342, Guelph, Paleozoic Geology
6. Map 2338, Bolton, Paleozoic Geology
7. Map 2339, Orangeville, Paleozoic Geology
8. Map 2340, Dundalk, Paleozoic Geology
9. Map 2341, Collingwood-Nottawasaga, Paleozoic Geology
491. Terrain Map 1 - Fonthill Area, Hydrogeologic Investigation for Steed & Evans Ltd. Scale: 1:25000. Project 78:19 Gartner Lee Associates Limited.
492. Bedrock Topography Map 2 - Fonthill Area, Hydrogeologic Investigation for Steed & Evans Ltd. Scale: 1:25000. Project 78:19 Gartner Lee Associates Limited.
493. Ontario Geological Survey, Preliminary Map P.2400 Bedrock Topography Series. Niagara and Niagara-on-the-Lake Area. Issued 1981. Additional markings by E. Grant Anderson: approximate location of Steed & Evans Ltd.'s property.
494. Surface Drainage Map 3 - Fonthill Area, Hydrogeologic Investigation for Steed & Evans Ltd. Scale: 1:25000. Project 78:19 Gartner Lee Associates Limited.
495. Curriculum Vitae - Dr. Peter Peach
496. Fonthill Hydrogeologic Study, Lots 4 and 5, Concession 6, Town of Pelham for Steed & Evans Ltd. Gartner Lee Associates Limited, Project 78:19. September, 1978.
497. Topographic and Geologic Sections, Pelham Area (to scale), drawn under the supervision of Grant Anderson and Andrew Cooper, Gardner Lee Associates Limited.
498. List of completed International Biological Program/CT checklists for Ontario, obtained from the Ministry of Natural Resources by Dr. Derek J. Coleman.
499. St. John's Conservation Area, International Biological Checksheet.

Submission No. 603 continued

500. Topographic Map: Niagara, Ontario, Scale: 1:50000 - contour interval 25 feet, Department of National Defence 30M/3W Edition 4, MCE Series A 751. Additional markings on map.
501. Drainage Divides, In Vicinity of Steed & Evans property, Town of Pelham, Regional Municipality of Niagara. Topographic map 1:25000 blown up ten times, with legend.
502. Guidelines on the Man-Made Heritage Component of Environmental Assessments, prepared by John Weiler, Historical Planning and Research Branch, Ontario Ministry of Culture and Recreation. September 1980.
503. Curriculum Vitae - Andrew John Cooper
504. Preliminary Map P. 764, Geological Series, Quaternary Geology of the Niagara Area. Scale: 1:50000. Division of Mines, Ministry of Natural Resources, 1972. B.H. Feenstra.

RECOMMENDATION:

That the Proposed Plan be modified by the deletion of the subject lands.

REASONS:

We are convinced by the evidence adduced during this submission that the location of the scarp is farther north than the southern boundary of the Proposed Plan in this location would seem to indicate and accordingly would recommend that consideration be given to deleting from the Plan all the lands south of Metler Road in this area since we are of the opinion based on all the evidence that Metler Road would be the proper southerly boundary and still accomplish all the objectives of the Plan and the *Niagara Escarpment Planning and Development Act*.

It is our opinion that we do not have the jurisdiction to

recommend the deletion of lands for which no submission had been made by the owner or the municipalities concerned for their deletion and for this reason we have only dealt with the subject lands in this recommendation.

FILE NO. S 100-138

SUBMISSION NO. 654
(Written Only)

OWNER: D.W. Lathrop

LAND: Part Lot 2, Concession 5
Part Lot 2 and 3, Concession 4
Part Block S, Plan 25
Part Lot 2, Concession 6
Town of Pelham

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 100-139

SUBMISSION NO. 655
(Written Only)

OWNER: Kenneth and Edna Knisley

LAND: Part Lot 5, Concession 7
Town of Pelham

SUMMARY OF SUBMISSION:

This submission supports the Plan fully and expresses a desire that the above property remain within it.

RECOMMENDATION:

None.

REASONS:

This property is included in one of the areas recommended for deletion in Submission 489 (Regional Municipality of Niagara).

FILE NO. S 100-140

SUBMISSION NO. 656
(Written Only)

OWNER: Albert E. Roberts

LAND: Part Block O, Plan 25
Town of Pelham

SUMMARY OF SUBMISSION:

This submission requests that the property above noted remain within the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

See reasons under Submission 603 (Steed and Evans Limited).

FILE NO. S 100-141

SUBMISSION NO. 657
(Written Only)

OWNER: Mrs. D. Hubbard

LAND: Part Block O, Plan 25
Town of Pelham

SUMMARY OF SUBMISSION:

This submission expresses the wish that the above property remain within the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

See reasons under Submission 603 (Steed & Evans Limited).

FILE NO. S 100-137

SUBMISSION NO. 670

OWNER: Mrs. C. Taylor
LAND: Part Lot 19, Concession 5
Town of Lincoln

SUMMARY OF SUBMISSION:

This owner purchased some 12.5 acres of land in 1969. It is a long narrow strip of about 1/2 mile in length directly along the brow of the scarp. The submission praises the concept of the Bruce Trail but berates the organization for the liberties it has taken with her land. The Trail runs through the extent of her property longitudinally, and at the time of her submission was still there despite permission to use it being withdrawn by the owner.

Efforts to sell the property, she stated, have not been successful and this is attributable to the Bruce Trail's continued use of her property. She feels that the Niagara Escarpment Commission and its Plan is forcing a sale at depressed prices.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon and to make any recommendation on it.

OWNER: Alistair McKinlay
LAND: Part Lot 22, Concession 2
Town of Grimsby

SUMMARY OF SUBMISSION:

The subject property is located on Main Street West in Grimsby and is part of a registered plan. It is some 3.22 acres in extent and designated under the Proposed Plan as Escarpment Protection. There is a hodge-podge development in the words of this owner along the extent of old Highway 8 or Regional Road 81 as it is now called. He is more than one kilometre away from the slope of the Escarpment and his property has access to sewer and water with the mains running past the frontage of the property and both have the capacity to serve these lands for further development.

At present there is a large two storey residential building on the property with private tennis court and swimming pool.

EXHIBIT:

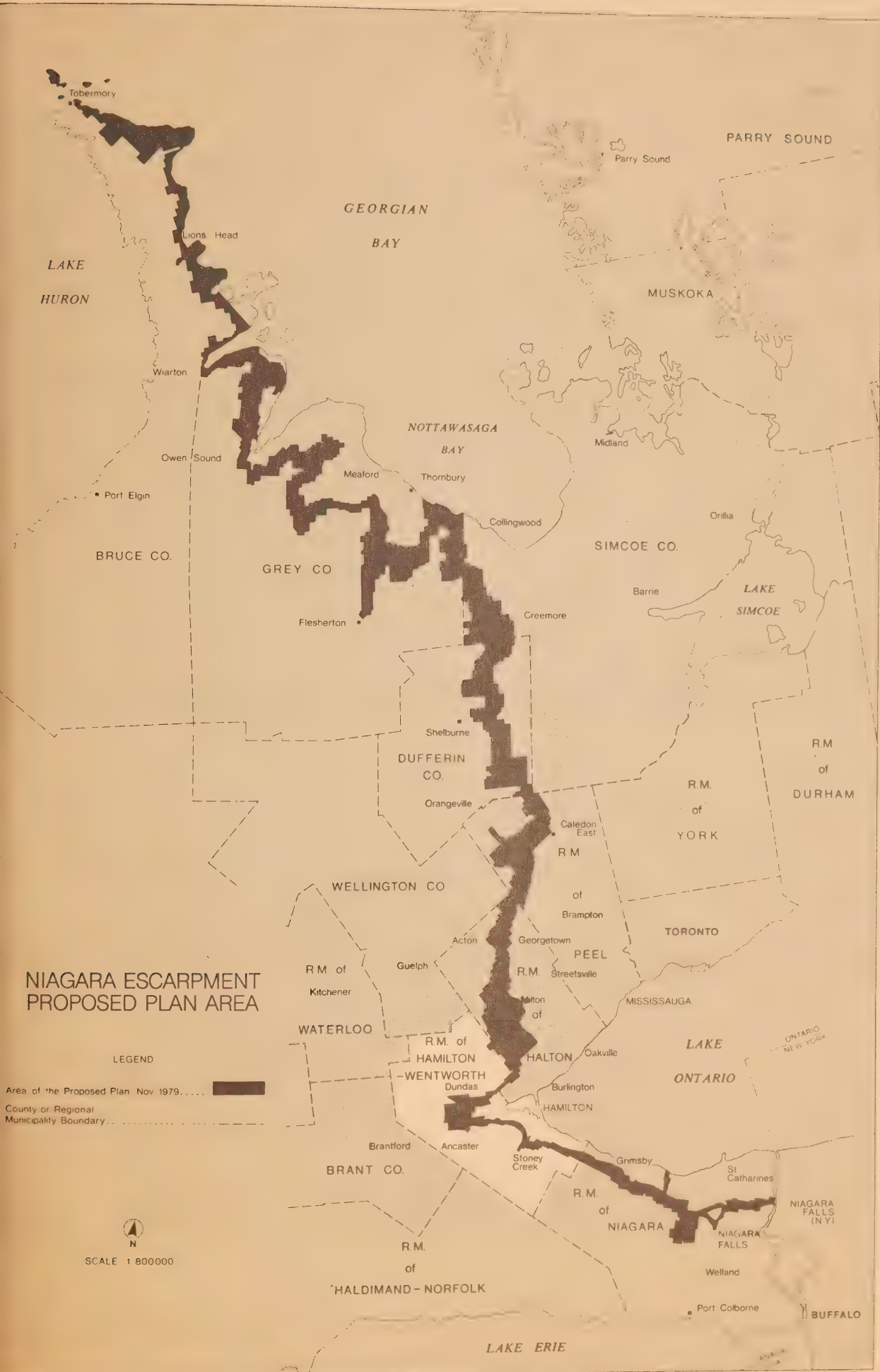
521. Air photo showing property of Alistair McKinlay,
Part Lot 22, Concession 2, Town of Grimsby,
Regional Municipality of Niagara.

RECOMMENDATION:

None.

REASONS:

In our recommendations, comments and reasons in the general section of this report we have recommended that some provisions for permitting more development in Escarpment Protection Areas be included in the Proposed Plan by allowing new lots to be created by low density plans of subdivision.



PHASE II HEARING

THE

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH



Ontario

Niagara Escarpment Proposed Plan Hearing

A. L. McCrae, Chief Hearing Officer
W. T. Shrives, Hearing Officer
M. D. Henderson, Hearing Officer

Walter W. Gowing
Administrator

INDEX

LIST OF SUBMISSIONS

PHASE II

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Adam, Ms. Monica	200-39	107	812
Allarco Developments Ltd.	200-1	101	806
Ancaster, Town of	200-28	82	776
Beattie, Dr. Catharine	200-25	95	799
Bodnar, Andrew and Daly, Alan	200-26	97	801
Bunyon, Mr. and Mrs. John	200-32	113	818
Clock Investments Ltd.	200-14	81	775
Cooper, John	200-30	89	790
Dawns, Mr. and Mrs. L.	200-36	103	808
Desroches, Ms. Helen	200-7	115	820
Diamond, David E.	200-6	108	813

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Di Gregorio, Elizabeth	200-41	105	810
Dukeshire, Victor L.	200-17	88	789
Dundana Homes Limited	S 200-46	675	826
Dunford, Roy E.	200-10	87	788
Fenwood Developments Limited	200-16	84	782
Flamborough, Township of	200-21	94	797
Fletcher, Ms. Mary Jane	200-33	112	817
Gardiner, Mr. and Mrs. John	200-37	102	807
Gisbrenner, Ms. Linda	200-34	111	816
Glendale Golf and Country Club Limited	200-22	92	794
Hamilton, City of	200-9	76	753
Hamilton Region Conservation Authority	200-2	77	755
Hamilton-Wentworth, Regional Municipality of	200-5	78	765
Hardy, Mr. and Mrs. Alan	200-35	110	815
Iacobelli, Mr. Celeste	S 200-48	606	824
Iroquois Bruce Trail Club	200-15	91	792
Martin, Frank J.	200-27	98	802
Martin, Kenneth E.	200-8	83	780
Mitchell, G.E.	200-12	90	791
Obranovich, S.J.	200-31	114	819
Ontario Trail Riders Association	200-3	96	800
Pavlovich, Ronald	200-40	106	811
Puddicombe, J.B. & Son Limited	200-20	80	774

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Royal Botanical Gardens	200-18	86	786
Save the Valley Committee	S 200-45	607	825
Sherwin, R.T.	S 200-47	605	823
Sprentz, Donna	200-42	104	809
Stoney Creek, Town of	200-13	75	751
Taro Properties Incorporated	200-24	116	821
Tidey, Donald E.	200-23	93	796
Towsley, Alan H.	200-11	100	805
Waterdown-East Flamborough Heritage Society	200-4	99	804
Watergate Investments Ltd.	S 200-44	604	822
Weatheridge Group Ltd. (Marketplan Division)	200-19	79	772
Wills, Nancy and Marguerite R.	200-38	109	814
Wright, Dr. Frederick J.	200-29	85	784

PHASE II

GENERAL STATEMENT

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

The *Niagara Escarpment Planning and Development Act* in Section 10 (6) requires that "separate reports shall be submitted for each part of the Niagara Escarpment Planning Area for which a hearing or hearings was held".

In accordance with this requirement the report for the part of the Niagara Escarpment Planning Area within the Region of Hamilton-Wentworth for which a hearing was held at Ancaster together with a portion of the supplementary hearing held in Burlington consists of the summaries of each of the individual submissions.

The submissions for this section are numbered 75 to 116 inclusive, 604 to 607 inclusive and number 675.

The report for this part of the Planning Area must be read in conjunction with the general section of this report.

Recommendations are contained in the following submissions for this section: 76, 78, 81, 82, 94, 107, 108, 110, 111, 112, 113,

114, 115, 116, 605, 606 and 675.

PHASE II

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SUMMARY

OF

SUBMISSIONS, RECOMMENDATIONS AND REASONS

AGENT: Ronald Marini, Director of Planning

GROUP: Town of Stoney Creek

SUMMARY OF SUBMISSION:

The two main issues which concern the municipality by the Proposed Plan relate to the following:

1. Geographic extent of Stoney Creek which is governed by the Proposed Plan.
2. The Urban Group classification for Stoney Creek.

It is the position of the Town that the only area which should be covered by the Plan is the scarp face which is approximately 322 hectares and all the other designations should be removed consisting of some 1600 hectares. The scarp face is presently shown in the Proposed Plan as an Escarpment Natural Area.

It is also felt by the Council of the Town that the Urban Centres designation will create additional and unnecessary policies in not only the developed areas of the Town but also in developing areas. The feeling is that the local official plan provides sufficient safeguards to protect the Escarpment. The planner pointed out that the present official plan has two categories, one being a conservation land use and the other open space that will protect the natural scenic beauty of the lands. The Town of Stoney Creek, therefore, would like all areas of the Town removed from the Proposed Plan except for the Escarpment Natural Areas.

The municipality also cannot see any justification for placing the Town in the Urban Group One classification and fears that such a designation will interfere with future transportation corridors. This would be particularly applicable to a new north-south facility which would cross the Escarpment.

EXHIBIT:

56. Map - Town of Stoney Creek

Legend: Stoney Creek Official Plan

. Conservation Lands and Open Space

Niagara Escarpment Commission

. Escarpment Natural Areas

RECOMMENDATION:

None.

REASONS:

The subject of Urban Centres has been dealt with in recommendations, comments and reasons in the general section of this report. Based on our recommendation regarding Urban Centres we are of the opinion that this will largely be under local control enabling the aspirations of the municipality to be met without disturbing the boundaries of the Proposed Plan as it pertains to Stoney Creek.

AGENT: V.J. Abraham, Director of Local Planning
Regional Municipality of Hamilton-Wentworth

GROUP: City of Hamilton

SUMMARY OF SUBMISSION:

The brief presented on behalf of the City of Hamilton would indicate that in general the Proposed Plan is compatible with the intentions of the official plan for the City of Hamilton if certain minor revisions were made. The principle of development control is endorsed. Based on City experience with this form of land control, its understanding of the sensitivity of the Escarpment is reflected in its various planning documents, and the availability of staff to administer development applications, the following recommendations are made:

1. The Proposed Plan for the Niagara Escarpment is endorsed, subject to the revision of Map 2 to permit development for light industrial and commercial purposes in conformity with Ministerial Approved Official Plan Amendments 276 and 346 for the East Mountain Industrial Area.
2. The City is given the authority to issue its own development permits.

EXHIBIT:

57. Map - Part of Official Plan Amendments 276 and 346 City of Hamilton
 - Part of the East Mountain Industrial Area
 - . Restricted Industrial
 - . Open Space
 - . Business

RECOMMENDATION:

That the areas covered by Hamilton Official Plan Amendments 276 and 346 be deleted from the Proposed Plan.

REASONS:

This action is in conformity with the Niagara Escarpment Commission's staff recommendation. An errata sheet and map were filed by the Niagara Escarpment Commission as Exhibit 52 in these proceedings and all privately owned lands south of Albion Falls are not included in the Proposed Plan.

AGENT: B.W. Vanderbrug, General Manager

GROUP: Hamilton Region Conservation Authority

SUMMARY OF SUBMISSION:

The comments made in this brief fall into four main categories:

- (a) Conservation Areas
- (b) Other Public Lands
- (c) Private Lands
- (d) Property Boundary Corrections

Exception is taken to designations given certain Conservation Areas as set forth in Section 3.7 of the Proposed Plan which are numbered as follows:

Areas 96 and 97. These areas constitute in the Proposed Plan Dundas Valley Conservation Area West and East respectively. The Conservation Authority does not believe the Dundas Valley should be broken up into two units. It is therefore recommended that the entire valley be given a Natural Environment Recreation Park classification. While agreeing that the valley contains a substantial acreage with unique natural habitats, it would be more practical in the authority's view to protect these areas through the master planning process by appropriate land use designations.

Area 99 - Mount Albion Conservation Area. This area is, in many respects, similar to the Christie Conservation Area. The land is relatively level and located on top of the Escarpment in the middle of a highly urbanized area. The land was purchased at great expense for the purpose of meeting urban recreational needs. Intensive recreational use should therefore be permitted and it is recommended that this area be classified as an "Intensive Recreation Park".

Area 102 - Devil's Punch Bowl Conservation Area. The Conservation Authority has no objection to the classification. However, the description does not accurately represent an important existing land use. A major portion of this Conservation Area supports a viable tender fruit farming operation which will be maintained and improved in accordance with the approved master plan. The cultivated lands are not accessible to the public but provide a buffer for the day use areas as well as a backdrop consisting of an activity which is culturally and physically linked to the Escarpment. This agricultural use should be recognized in the Plan and it is to be made clear that a major portion of this Conservation Area is not accessible to the public.

Area 103 - Vinemount Conservation Area. In many respects, this area is similar to the Devil's Punch Bowl Conservation Area and the above comments therefore apply.

The following are two general comments on classifications made by the Conservation Authority:

1. We wonder if it is wise to include acreages when describing the various areas. Further acquisitions are made continually and the Plan will therefore always be out of date. Furthermore many Conservation Authority holdings are leased out on a long or short term basis and are therefore not accessible to the public. This should be noted in the Plan.
2. Section 3.2.3 describes "permitted uses" within the three classifications. It is recommended that horseback riding be added to the permitted uses in the "Natural Environment Recreation Parks". The Conservation Authority does not consider horseback riding to be an undesirable use, particularly if it is permitted on a controlled basis.

General Observation re Land Use Designations

- (a) The "Escarpment Natural Areas" and "Escarpment Protection Areas" best describe the uses and developments one might expect to find in a Conservation Area. We would like to see the permitted uses section of the Escarpment Protection Area classification, Item 4 amended by also permitting camping, interpretation, scientific, and educational uses. This would bring it more in line with "permitted uses" under the three aforementioned park classifications. There are other conflicts between permitted uses within certain park classifications and land use designations. The Plan is to clearly state which takes precedence.
- (b) We are unclear on the intent of the "Urban Centre - Area of Direct Provincial Interest" designation. The designation seems to make the Plan unduly complicated, for no good apparent reason. It is therefore recommended that this designation be deleted, or failing this, that the description be expanded to clearly define the overall intent of the designation. While the Commission provided, by way of an errata sheet, the criteria for the designation, the intent of same is still not clear to us.
- (c) Generally speaking, it seems desirable to border on an "Escarpment Natural Area" with an "Escarpment Protection Area". This will provide a necessary development transition between sensitive and nonsensitive Escarpment lands. In many instances, such a "buffer" is not provided for in the Plan. E.g., industrial use would be permitted immediately adjacent to the environmentally sensitive Summit Bog; high density urban development would be permitted immediately adjacent to the sensitive "Natural Escarpment Area" of the Allarco lands in Ancaster, urban developments would be permitted where "Escarpment Natural Area"

designation would be more appropriate.

- (d) "Escarpment Natural Areas" are the most significant natural and scenic areas of the Escarpment and include relatively undisturbed Escarpment features and associated stream valleys, wetlands and forests. There are a number of areas within the Hamilton-Wentworth Region which meet these criteria, yet were not given a "Natural Area" designation. This is particularly true in the Dundas Valley where a number of important stream valleys were excluded from this designation. It is therefore recommended that the Plan be updated in order to overcome this deficiency.
- (e) In some instances, the Plan designates certain portions of Conservation Areas as "Escarpment Natural Areas". This designation is very restrictive and few uses are permitted, e.g. day use picnic areas and parking lots are not permitted. In a heavily urbanized area, it is unrealistic to designate large blocks of land as "Escarpment Natural Areas" as it would prohibit people oriented recreation such as day use picnicking. It is therefore recommended that the "Escarpment Natural Area" designation not be applied to table and plateau lands adjacent to the Escarpment. Instead, these lands should be given an "Escarpment Protection Area" designation.
- (f) Because of the scale of Map 2, it is sometimes difficult to determine which land designation applies to a specific property. It is therefore important that it be stressed in the Plan that when in doubt, the land use criteria given in the text of the Plan be the final determining factor in determining exact land use boundaries.

The following are specific comments on Conservation Areas within the Niagara Escarpment Proposed Plan Area:

Christie Conservation Area

The entire area should be designated as an "Escarpment Protection Area" as amended. The Niagara Escarpment Plan has given the area three designations, i.e. Escarpment Natural, Escarpment Protection and Escarpment Rural. Land use features are not different enough to justify three designations.

Crooks Hollow Conservation Area

The entire area should be designated as an "Escarpment Protection Area" as amended, with the possible exception of the steep valley slope on the south side of the lake. This slope could be designated as an "Escarpment Natural Area". Furthermore, it should somehow be recognized that this area supports an industrial heritage of considerable historical significance. The historical importance of this Conservation Area is well documented and is recognized by the Conservation Authority in the planning of Crooks Hollow Conservation Area.

Dundas Valley Conservation Area

Under Section A - 1 (d) of this brief, we already referred to the need to include additional stream valleys under the "Escarpment Natural Area" designation. Furthermore, the Conservation Authority is opposed to the "Mineral Resource Area" designation given to a parcel of land in the southern portion of the Dundas Valley. The designated lands are owned by Smith Brothers Limited and located on Jerseyville Road in the Town of Ancaster. A portion of the area is presently used for the mining of sand and gravel and is licenced under *The Pits and Quarries Control Act*. However, the licence specifically states that only the southern portion of said lands can be used for gravel extraction. This restriction was placed on the property in order to minimize disruption to this very sensitive portion of the Dundas Valley. It is

therefore recommended that the designated Mineral Resource Area be reduced in size and be made to conform to the current area of the quarrying operation. The balance of the property should be designated as an "Escarpment Natural Area".

Tiffany Falls Conservation Area

The entire area should be designated as an "Escarpment Protection Area" as amended, with the exception of the gorge, the Escarpment slope and associated stream valleys. These areas are to be given an "Escarpment Natural Area" designation.

Felker's Falls Conservation Area

The entire area should be designated as an "Escarpment Protection Area" as amended, with the exception of the gorge, the Escarpment slope and associated stream valleys.

Devil's Punch Bowl Conservation Area

The entire area should be designated as an "Escarpment Protection Area" as amended, with the exception of the gorge, the Escarpment slope and associated stream valleys.

Mount Albion Conservation Area

As already mentioned elsewhere in this brief, the Conservation Authority is unclear about the intent of a "Direct Provincial Interest" designation. Unless an acceptable reason is given, it is our recommendation that this Conservation Area be given an "Escarpment Protection Area" designation as amended.

Notwithstanding the above comments, the Conservation Authority is concerned about the finality of the land use designations given in the Plan. The master planning process presently followed by Conservation Authorities provides for a very detailed examination of all Conservation Areas in terms of land use zoning. This site specific zoning permits representation of all Conservation Area environments

and landscapes with a far greater degree of accuracy than is possible under generalized designations. It is therefore recommended that the land use designations as suggested in the Niagara Escarpment Plan be used as a guide only in the master planning process instead of a final statement on permitted land uses. Land uses developed through the present master planning process used by Conservation Authorities should therefore take precedence over land use designations made in the Niagara Escarpment Plan.

Spencer Gorge Wilderness Area

The entire area should be designated as an Escarpment Protection Area as amended, with the exception of the gorge, the Escarpment slope and associated stream valleys.

Other Public Lands

The proposed Escarpment park system within the Hamilton-Wentworth sector is almost entirely based on holdings of the Conservation Authority (with the exception of Battlefield Park). For some reason major holdings by other public agencies were neither shown on the plan as publicly owned lands nor were they included in the proposed Niagara Escarpment Parks System. Some of these lands are as important as Conservation Authority holdings in terms of Escarpment preservation and recreational access and should therefore be included in the proposed park system. It is therefore recommended that major Niagara Escarpment holdings of other public agencies, notably the City of Hamilton and the Royal Botanical Gardens, be shown on Map 2 and be included in the proposed Niagara Escarpment Parks System.

Private Lands

Parts of Lot 10 and 11, Concession 1, Township of Flamborough
The area bounded by the Spencer Gorge Wilderness Area and Highway 8 has been shown as an Escarpment Natural Area. These lands primarily consist of tablelands and an Escarpment Protection Area would seem more logical.

Battlefield Park - Stoney Creek

For some reason, this area was given an Urban Centre designation. This designation allows a wide range of urban activities which are considered to be undesirable for this particular park. It is therefore recommended that this park be given an Escarpment Protection Area designation similar to nearby Conservation Areas.

Glenwood Heights and Grand Vista Gardens - Township of Flamborough
Lands described as Glenwood Heights and located west of Highway 8 in the Township of Flamborough support an established subdivision development of substantial size. The designations given in the plan (Escarpment Protection and Escarpment Rural) do not represent the existing land use and the designation should therefore be changed to Urban Group One.

Rock Chapel - Township of Flamborough

Lands located north of Rock Chapel Road in the vicinity of holdings of the Conservation Authority and the Royal Botanical Gardens are located within the jurisdiction of the Parkway Belt West and were therefore deleted from the Niagara Escarpment Plan. However, subject lands are not within the Design Area of the Parkway Belt West and are therefore only subject to the established local municipal zoning restrictions. The Niagara Escarpment Commission rejects the use of municipal zoning by-laws in regulating development in favour of development controls. By deleting subject lands from the plan, the Commission is indirectly endorsing two completely different methods of land use control on sections of the Escarpment in the Municipality of Flamborough. It is therefore recommended that the Commission review this potential conflict and make recommendations accordingly.

Stoney Creek Escarpment

Lands located south of Ridge Road between the Devil's Punch Bowl Conservation Area and the unopened road allowance of 6th Road East are designated as Escarpment Protection Areas. Lands located immediately adjacent to the above described blocks are designated as

Escarpment Rural Areas. In our view, there is no justification for the two designations as the lands in question are virtually identical. It is therefore recommended that all lands in Stoney Creek south of Ridge Road be designated as Escarpment Protection Area. This designation would permit the present agricultural and rural residential use.

Property Boundary Corrections

A number of errors were noted on Map 2 as it relates to Conservation Authority holdings. In some cases, Authority owned lands were not shown, while elsewhere, private holdings have been included.

EXHIBITS:

- 58. Map - Niagara Escarpment Commission Proposed Plan
Map 2 (Hamilton-Wentworth)
Appendix A - Land Use Designations and Parks Classifications
 - . Conservation Areas
 - . Private Lands
- 59. Map - Niagara Escarpment Commission Proposed Plan
Map 2 (Hamilton-Wentworth)
Appendix B - Conservation Areas Boundary Corrections

RECOMMENDATION:

None.

REASONS:

We accept the Niagara Escarpment Commission's Proposed Plan insofar as the lands of the Hamilton Region Conservation Authority are concerned. Many of the recommendations of the Authority regarding boundary changes will be refined at a later date as the Commission has informed us. We cannot make any recommendations regarding the Parkway Belt West lands nor those in private ownership since no

notice was given to private landowners. The situation is a bit different where a municipality seeks change. As far as the other general concerns of this submission, we have attempted to answer these in our recommendations, comments and reasons in the general section of this report.

AGENT: Douglas Lychak, Commissioner of Planning

GROUP: Regional Municipality of Hamilton-Wentworth

SUMMARY OF SUBMISSION:

That the Regional Council endorse the Proposed Plan of the Niagara Escarpment subject to the following:

- i) (a) Revision of Section 2.3 and 2.4 (New Lots) to include a statement that "any proposed severance must conform to the relevant policies of the local and Regional official plans".
- (b) Revisions of Section 2.5 (Minor Urban Centres) to clearly define the extent to which development is to be permitted in the Minor Urban Centre of Winona and such revisions to Map 2 as are appropriate to recognize such definition.
- (c) Revision of Section 2.6.2 (Clause A) to more precisely identify and define the areas in Waterdown subject to the stringent development control procedures of Areas of Direct Provincial Interest.
- (d) Revision of Section 2.9.3 (Clause 5) by the substitution of the word "Municipal" for the word "local" in line 3.
- (e) Revision of Section 2.9.7 (Clause 1) to clarify the policy in force in instances where Municipal official plans do not identify soil classes 1 to 4. Reference to soil classes 1 and 2 only, should be made.
- (f) Revision of Section 4.1.9 (Clause C) as follows:
"The Niagara Escarpment Planning and

Development Act be amended so that Regional Municipalities may be delegated the authority to issue development permits and have the option of a further delegation of such responsibilities to Area Municipalities."

- (g) Section 2.6.2 A (Clause 6) and 2.9.10 (Clause 2) that assurance be given the Niagara Escarpment Commission Plan provisions will not prevent construction of the proposed major transportation facility (Albion Parkway) through the Red Hill Creek Valley, and required Area Municipal transportation facilities.
- (h) That appropriate adjustments be made to the proposed designations in areas where the Niagara Escarpment Plan and the Parkway Belt West meet in order to overcome the existing problems of isolated parcels of land situated between the two jurisdictions and lacking appropriate land use regulations.
- (i) Substitution of "Urban Centre" designation for existing Escarpment Protection Area designation on lands immediately east of Highway 6 south of the intersection of Highway 5 in Flamborough.
- (j) That Section 4.4.1 (d) and 3.7 be revised to recognize the Dundas Valley as a "Proposed and Existing Escarpment Park" area and that Map 2 be appropriately revised to recognize the Dundas Valley as an area for "Proposed Acquisition".
- (k) That the final Provincial funding provisions for park land acquisition in association with the Niagara Escarpment contained sufficient

flexibility to allow for the future acquisition of lands which become appropriate for the Niagara Escarpment Park System as a result of changing land use within the Region of Hamilton-Wentworth; and

ii) That the following recommendations (identified in the area municipal submission) are principally local issues which are supported by the Region:

- (a) That an appropriate statement be included in the proposed Niagara Escarpment Commission Plan stating that lands granted by a developer to meet the objectives of the Niagara Escarpment Commission should not be considered part of any parkland dedication.
- (b) That development control be removed from the Urban Centre designation and replaced with zoning by-law procedures and site plan controls.
- (c) That Map 2 of the proposed Niagara Escarpment Commission Plan be amended in the area of the East Mountain Industrial Park to conform with Exhibit B of the City of Hamilton's submission.
- (d) That the Escarpment Protection Area which fronts onto Highway 8, east of Fruitland Road be reduced in area and that these lands be deleted from the Proposed Plan.
- (e) That all of the lands designated as Urban Centre in the Towns of Stoney Creek and Dundas be included in Urban Group Two.
- (f) That the land severance policies for the Escarpment Protection Area be amended to permit development on a basis of 10 hectare minimum lot areas.

- (g) That the Region and Area Municipal Councils support the Commission's recommendations in respect of the Ontario Municipal Board and other recommendations respecting appeals.
- (h) That the Provincial Government take a more active financial and administrative role in the preservation and recording of historically significant structures.
- (i) That the area presently designated as Escarpment Rural Area located north east of the settlement of Copetown in the Township of Flamborough (more specifically the area bounded by Highway 52 on the west, Regional Road 39 on the north, Inksetter Road on the east and Highway 99 on the south) as well as that portion of the Copetown Settlement in Flamborough be deleted from the Proposed Plan.
- (j) That the area bounded by Old Ancaster Road, Montgomery Drive and Wilson Street within the Town of Ancaster and included within the urban area boundary of the Town's draft official plan be removed from the Escarpment Protection Area and designated Urban Centre.

EXHIBIT:

- 60. Map - Niagara Escarpment Commission Proposed Plan Map 2 (Regional Municipality of Hamilton-Wentworth), re alteration of boundaries.

RECOMMENDATIONS:

Matters raised in the submission as indicated in the summary above are dealt with in order below:

- i) (a) None.

- (b) None.
- (c) None.
- (d) None.
- (e) None.
- (f) None.
- (g) None.
- (h) None.
- (i) Change to Urban Centre.
- (j) None.
- (k) None.
- ii) (a) None.
- (b) None.
- (c) None.
- (d) None.
- (e) None.
- (f) None.
- (g) None.
- (h) None.
- (i) That these lands be deleted from the Proposed Plan.
- (j) That these lands be changed from Escarpment Protection to Urban Centre.

REASONS:

Matters dealt with in the summary of submission and the Recommendations are further dealt with in order below:

- i) (a) Dealt with in recommendations, comments and reasons in the general section of this report.

- (b) Dealt with in recommendations, comments and reasons in the general section of this report.
- (c) Dealt with in recommendations, comments and reasons in the general section of this report.
- (d) Dealt with in recommendations, comments and reasons in the general section of this report.
- (e) Dealt with in recommendations, comments and reasons in the general section of this report.
- (f) Dealt with in recommendations, comments and reasons in the general section of this report.
- (g) Dealt with in recommendations, comments and reasons in the general section of this report.
- (h) No jurisdiction to enlarge boundaries of the Proposed Plan.
- (i) Properly rounds out the Urban Centre designation.
- (j) Too vast an area to consider at this point without a proper study.
- (k) Dealt with in recommendations, comments and reasons in the general section of this report.
- ii) (a) No jurisdiction.
- (b) Dealt with elsewhere in this report.
- (c) This action is in conformity with the Niagara Escarpment Commission's staff recommendation.
- (d) Properly designated.
- (e) Dealt with elsewhere in this report.
- (f) Dealt with elsewhere in this report.
- (g) Dealt with elsewhere in this report.
- (h) Not properly part of the Proposed Plan.

Submission No. 78 continued

- (i) On the basis of the evidence adduced at the hearing we can see no logical reason why these lands should be included in the Proposed Plan.
- (j) The evidence satisfies us that these lands should be properly designated as Urban Centre.

AGENT: G.A. Hodgins, President
GROUP: Weatheridge Group Ltd.
(Marketplan Division)
LAND: Part of Lots 1 and 2, Concession 1
Township of Flamborough

SUMMARY OF SUBMISSION:

This submission refers to the area of the Dundas Valley and sets out the opinion that in the upper reaches of the Dundas Valley the Proposed Plan does not provide land designations which will operate in the best interest of the objectives in the *Niagara Escarpment Planning and Development Act* in that if the designations as proposed are implemented, future development pressure will require consideration of more strip development. This submission further states that the Proposed Plan would be better served if the Escarpment Protection designation was relaxed in this area by changing a portion to Escarpment Rural as set out in Exhibit 66.

EXHIBITS:

61. Niagara Escarpment Commission's Proposed Plan Map 2 indicating area of Dundas Valley.
62. Dundas Valley - Part Lots 1 and 2, Concession 1, Township of Flamborough. April, 1980.
63. Site Character - Part Lots 1 and 2, Concession 1, Township of Flamborough. April, 1980.
64. Site Context - Part Lots 1 and 2, Concession 1, Township of Flamborough. April, 1980.
65. Alternative 1 - Part Lots 1 and 2, Concession 1, Township of Flamborough. April, 1980.

66. Alternative 2 - Part Lots 1 and 2, Concession 1,
Township of Flamborough. April, 1980.
67. Revised Site Context - Part Lots 1 and 2, Concession 1,
Township of Flamborough. April, 1980.

RECOMMENDATION:

None.

REASONS:

We have attempted to answer this dissertation on the Proposed Plan in recommendations, comments and reasons in the general section of this report.

AGENT: J.L.H. Puddicombe
OWNER: J.B. Puddicombe & Son Limited
LAND: Lot 1, Concession 2 and 3
Town of Stoney Creek

SUMMARY OF SUBMISSION:

It is interesting to note that this farm has been owned continually by one family since the lands were acquired by Crown Deeds dating back to George III. Mr. Puddicombe pointed out that this operation is one of two large farms in the area which are still viable farming operations.

The Proposed Plan will place these lands in part in Escarpment Natural Areas and Escarpment Protection Areas.

It was pointed out that the spread of growth from Hamilton and the surrounding area over the past thirty years and the introduction of hard services has placed a financial burden on the farm. This together with other outside influences will lead ultimately to the demise of farming.

It is the opinion of this owner that in the future he may be deprived of certain rights which he now enjoys. He does not have any argument with respect to the proposed Escarpment Natural Area but feels this area should be reduced to include only the base of the Escarpment and the top of the Escarpment.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.

FILE NO. 200-14

SUBMISSION NO. 81

AGENT: David L. Matthews, Planner

OWNER: Clock Investments Limited

LAND: Part Lot 21, Concession 4
Town of Stoney Creek

SUMMARY OF SUBMISSION:

This site has a broken frontage of approximately 775 feet on Ridge Road and 2350 feet along Second Road East and comprises 70.547 acres and presently is being used as orchard lands and is a relatively level site situated above the face of the Escarpment.

The northerly half of the site is proposed to be designated Escarpment Protection and the southerly half is proposed as Escarpment Rural. A total of seven residential lots have been severed from the property.

The owners request that the subject land be removed from the Proposed Plan.

RECOMMENDATION:

That only the Escarpment Rural designated portion of this property be deleted from the Proposed Plan.

REASONS:

The inclusion of these lands in the Proposed Plan was mainly due to their being in a development control area while other similar adjacent rural lands not so affected were not brought into said Plan.

AGENT: Peter Tollefsen, Town Planner

GROUP: Town of Ancaster

SUMMARY OF SUBMISSION:

The Town of Ancaster is generally in support of the Proposed Plan and regards it as a necessary step in preserving one of Canada's foremost scenic landforms. It was found by the Town staff, however, in applying these designations to existing official plan designations permitting certain growth in the Town there was some overlapping and these were set out under nine separate headings as follows:

1. The Niagara Escarpment Natural Areas designation cuts too far onto Terrace Park Drive, Beverly Court, and Blair Lane, which are within the Urban Area on the Town's official plan maps, and should be the Urban Centre designation on the Niagara Escarpment Proposed Plan map. While recognizing that there are steep grades in the area, it is recommended that a more exact line be established with the Niagara Escarpment Commission and Town staff, separating the flat table-land from the ravine lands in this area.
2. The Niagara Escarpment Natural Area cuts across the northwest corner of Clearview Estates Annex Subdivision. This area is within the Urban Area of the Town's official plan maps and should be shown as an Urban Centre designation on the Niagara Escarpment Proposed Plan map. It should be noted that this area has been deleted from the Niagara Escarpment Commission's area of development control by Ontario Regulation 321/77.
3. The Niagara Escarpment Area of Direct Provincial Interest cuts across the northern part of Sister Servants of Mary Immaculate lands which are entirely within the Urban Area

of the Town and should be the Urban Centre designation on the Niagara Escarpment Proposed Plan map.

4. Official Plan Amendment No. 149 has just been approved by the Minister of Housing and the Niagara Escarpment map should reflect this Amendment. This Amendment will allow the three existing homes on the Steiner Estate to be on separate parcels of land and create three new lots. The lands, therefore, should be shown as Urban Centre designation and not Escarpment Protection Area on the Niagara Escarpment Proposed Plan map.
5. The Town's Urban Area Boundary runs along the west side of Old Dundas Road to include the homes fronting on the west side of the road. It should be noted that the Regional Official Plan of Hamilton-Wentworth has been revised in this regard recently.
6. The Niagara Escarpment Area of Direct Provincial Interest overlaps the High Park Estates Subdivision and vicinity. The area is within the Urban Area on the Town's official plan maps and should be designated Urban Centre on the Niagara Escarpment Proposed Plan map.
7. (a) The Area of Direct Provincial Interest overlaps the outer edge of the Lime Kiln Road Neighbourhood which is within the urban area on the Town's official plan maps. We would ask that the line be altered accordingly.
(b) In respect to the area shown in blue on our new map, we would request that it be changed from the Area of Direct Provincial Interest designation to the Urban Centre designation on the Niagara Escarpment Proposed Plan map to allow future severances in the area for the two existing homes belonging to a Mr. Martin.
(c) The lands south of Ancaster Heights, shown in red on our new map, we would request be changed from the Area

of Direct Provincial Interest designation to the Urban Centre designation on the Niagara Escarpment Proposed Plan map to allow future discussion on possible development in the area. These lands belong to a Mr. Martin.

8. The area shown as grey on the new map represents an area currently under consideration by Town Council. An application for a residential subdivision has been made for these lands and a requested report is presently being prepared for submission to the Ancaster Council, at which time a decision will be made. We would therefore request that these lands, owned by a Mr. Banting, be changed from the Area of Direct Provincial Interest designation to the Urban Centre designation on the Niagara Escarpment Proposed Plan map to allow future consideration on possible development in the area.
9. It is requested that the Urban Centre designation on the Niagara Escarpment Proposed Plan map in the vicinity of Mohawk and Upper Horning be reduced in size to the 90 acres in keeping with the line drawn by the Ministry of Natural Resources in its proposal to develop a Regional Park.

EXHIBITS:

68. Niagara Escarpment Commission's Proposed Plan, Schedule B, Draft Official Plan for the Town of Ancaster.
69. Blow-up of Draft Official Plan for the Town of Ancaster showing corrections in green hatching.
86. Town of Ancaster's Draft Official Plan and Niagara Escarpment Proposed Plan.
87. Schedule B Map, Part of proposed agreement with the Ministry of Natural Resources.

RECOMMENDATION:

That the submission of the Town of Ancaster be concurred with.

REASONS:

The proposal appears to be in conformity with the Town's Official Plan, and there is also substantial agreement by the Niagara Escarpment Commission's staff.

AGENT: Donald May, Planner
OWNER: Kenneth E. Martin
LAND: Part Lots 48 and 49, Concession 2
Town of Ancaster

SUMMARY OF SUBMISSION:

This property fronts on Lime Kiln Road and extends to the southerly edge of Ancaster Heights Subdivision and there are presently three homes on the property which comprises approximately 27 acres. Two designations are proposed by the Plan for this property, Urban Centre and Direct Provincial Interest. The whole property is designated for Urban Development in the existing Ancaster Official Plan.

The owner requests that the proposed designations be changed as follows:

- (a) That Urban Group Two B should apply to the area surrounding the existing homes and the area to the west.
- (b) That Urban Group Two B should apply to certain of the lands adjacent to the Ancaster Heights Subdivision.

EXHIBITS:

- 70. Notice of Decision dated June 5, 1980 from Ministry of Housing to Donald J. May re H.O. File H 79-161 including two maps of the Town of Ancaster (May 1979) to amend Schedule "B" of the Official Plan of the Hamilton-Wentworth Planning Area.
- 71. Survey of property, dated August 23, 1979
Plan 62R-4989 (Steiner property)
- 72. Planning Composite of General Area from Tiffany Falls - Highway 2.

RECOMMENDATION:

None.

REASONS:

Dealt with in Submission 82 (Town of Ancaster).

AGENT: Donald F. May, Planner
GROUP: Fenwood Developments Limited
LAND: Part Lots 48 and 49, Concession 2
Town of Ancaster

SUMMARY OF SUBMISSION:

The land which this submission covers is approximately 52 acres, located in the Town of Ancaster and extends from Mohawk Road to Highway 2 with access to Montgomery Drive and Bailey Avenue.

Mr. May who represented the owners of the land, pointed out that steps were actually commenced in the late 50's and early 60's relative to a plan of subdivision on the subject lands. It was his opinion that to include these lands in an area of Direct Provincial Interest would kill the whole proposal. It appears that the owner seeks to retain about 10.7 acres for his home but would be willing to dedicate perhaps up to 20 acres to the Conservation Authority.

It is proposed to develop a low density residential subdivision on the lands marked in orange on Exhibit 73. The proposal will provide two elements which in Mr. May's opinion are important. The first is that it will provide an alternative access road to the existing Ancaster Heights subdivision. Secondly, the Tiffany Falls area would be enhanced by the provision of an area for parking cars.

It is the opinion of this planner that the Niagara Escarpment Commission should consider roads other than major roads as transportation routes. In any event Mr. May requests that the orange areas shown on the previously mentioned exhibit be shown as Urban Group Two.

EXHIBITS:

73. Draft Plan of Subdivision of all Fenwood Developments Ltd. lands (57 acres) in Ancaster.

Submission No. 84 continued

74. Clerk's Certificate - Amendment No. 9 to the Official Plan of the Hamilton-Wentworth Planning Area (covering the Township of Ancaster) prepared 1961.

RECOMMENDATION:

None.

REASONS:

Dealt with in Submission 82 (Town of Ancaster).

AGENT: Donald May, Planner
OWNER: Dr. Frederick J. Wright
LAND: 540 Wilson Street East
Town of Ancaster

SUMMARY OF SUBMISSION:

Dr. Wright is the owner of a property located in the Town of Ancaster which contains some seven acres and is presently improved by a residential building. The existing home was first constructed in 1810 on a high point of land and commands a good view. It is the intention of the owner to subdivide the property into three lots, thus creating two new lots for development. All of these lots will have frontage on Wilson Street East.

The Proposed Plan seeks to place part of these lands in an Urban Area and another portion in an area of Direct Provincial Interest. It appears also that Dr. Wright has the support of the Council of the Town of Ancaster with respect to his application. It is quite apparent from the comments of the staff of the Town that his proposal is quite in keeping with the existing development, that is large estate type residential lots. An example of the problem faced here is that the proposed Lot 3 could proceed but the frontage would be in the area of Direct Provincial Interest and would prevent necessary access.

EXHIBIT:

75. Sketch Plan of Wright Property, Ancaster, Ontario.

RECOMMENDATION:

None.

Submission No. 85 continued

REASONS:

Dealt with in Submission 82 (Town of Ancaster).

AGENT: Dr. Leslie Laking
Director and Secretary of the Board

OWNER: Royal Botanical Gardens

SUMMARY OF SUBMISSION:

This submission makes the following recommendations:

1. That the total Escarpment and adjacent lands particularly in this part of Hamilton-Wentworth where the Escarpment is so highly visible, be included in the Proposed Niagara Escarpment Plan.

Such action also would serve to remove the confusion that currently exists in the minds of the public and with both municipal staff and councillors, when questions of jurisdiction arise in this area. We submit that the present split in jurisdiction between The Parkway Belt and the Niagara Escarpment Commission is not logical.

2. The the Niagara Escarpment Commission retain full control over lands on both sides of Rock Chapel Road in lots 18, 19 and 20, Concession 2 of Flamborough, and over lands on both sides of Borer's Creek already designated in the Plan.

In recommending the above, we are mindful of the situation which currently exists in the Royal Botanical Gardens' woodland adjacent to the Romar Drive development above Sydenham Road. Trees are cut, fires set, rubbish is dumped - all a result of a residential development located immediately adjacent to a valuable natural area under public ownership. Furthermore such deterioration invariably reflects on the value of the area as an Environmentally Sensitive Area, hence adjacent lands need the control

afforded through inclusion in the Niagara Escarpment Plan.

3. The Royal Botanical Gardens is concerned about the deteriorating water quality of streams flowing into Cootes Paradise such as Borer's Creek and Grindstone Creek, the headwaters of which are well above the Escarpment. Additional residential development in areas associated with the basins drained by these streams can only result in further deterioration. This leads to Royal Botanical Gardens promotion of an "Agricultural First" policy for these lands, a policy which the Niagara Escarpment Commission might well support, had it jurisdiction over such areas adjacent to the Escarpment.

RECOMMENDATION:

None.

REASONS:

No jurisdiction.

OWNER: Roy E. Dunford

SUMMARY OF SUBMISSION:

This brief is in support of the preservation of the Niagara Escarpment although the submitter is of the opinion that the area of the Proposed Plan should not have been reduced in size. He believes that park uses proposed in the Plan are too heavily concentrated in the northern part of the Escarpment, and states that greater park acreages should be allocated to those areas of the Proposed Plan that lie closest to large centres of population. This is important due to the present energy shortage. New housing should not be permitted where it infringes on potential parkland. The brief also speaks of support for the preservation of the Bruce Trail.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 200-17

SUBMISSION NO. 88

AGENT: John Z. Sepejak, Planning Consultant

OWNER: Victor L. Dukeshire

LAND: Part Lot 34
Township of Flamborough

SUMMARY OF SUBMISSION:

This property comprises 29.5 acres on the east side of Inksetter Road and is proposed to be designated, both Escarpment Protection and Escarpment Natural by the Proposed Plan. The owner has prepared a plan of subdivision which was filed as Exhibit 76 and the proposed designations would not permit such a development. The proposed plan of subdivision provides for 14.5 acres to be made available as public property. The owner requests designations that would permit estate residential development.

EXHIBIT:

76. Proposed plan of subdivision.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in recommendations, comments and reasons in the general section of this report.

FILE NO. 200-30

SUBMISSION NO. 89

OWNER: John Cooper

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan with specific reference to the Stoney Creek Battlefield Area and the Bruce Trail.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 200-12

SUBMISSION NO. 90

OWNER: G.E. Mitchell

LAND: Part Lot 50, Concession 2
Town of Ancaster

SUMMARY OF SUBMISSION:

This property is located on the south side of the old Highway 2 in the Town of Ancaster and consists of 12.7 acres plus or minus. The subject is located opposite three existing commercial uses and has a frontage of some 1320 feet. There is an existing residence on the lot.

The owner would like to subdivide the property into four estate lots but the proposed designation in the Plan would prevent this. Mr. Mitchell is of the opinion where an owner loses his rights, the land should be purchased by the Government at fair market value.

RECOMMENDATION:

None.

REASONS:

Dealt with in Submission 82 (Town of Ancaster).

AGENT: Frank Birch

GROUP: Iroquoia Bruce Trail Club

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and in addition to expressing support made the following recommendations:

1. That all lands in the Dundas Valley scheduled for acquisition in the Hamilton Region Conservation Area's Master Plan be shown as lands "proposed for acquisition" in the Proposed Plan.
2. That the area bordering the creek immediately above Tiffany Falls be shown as lands "proposed for acquisition as parkland" in the Proposed Plan.
3. That the parcel of vacant land immediately south and east of Highway 403 where it reaches the Escarpment brow be shown as lands "proposed for acquisition" in the Proposed Plan.
4. That the Ontario Government be strongly urged to restore the 75 - 25 ratio of grants to conservation authorities for the purchase of Escarpment lands.
5. That a definite mechanism be established to provide for regular liaison between the Parkway Belt West and the implementing body for the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have

Submission No. 91 continued

attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

COUNSEL: J.P. Rocchi

GROUP: Glendale Golf & Country Club Limited

SUMMARY OF SUBMISSION:

Mr. T.J. Shea presented a prepared brief on behalf of the golf club. These lands consist of approximately 104 acres and a portion of the property is located on the Niagara Escarpment. The Club takes the position that it does not oppose those portions of the property which are Escarpment being designated in such a category but it does object to the remaining lands being designated as Urban Group Two (A) Area of Direct Provincial Interest. It is contended that similar lands both east and west are now developed residentially and are not affected by the Proposed Plan. It was also pointed out that a substantial part of the Club's assets rest in the development potential of the land and are necessary to its continuation as a viable operation. It appears that extensive renovations to the clubhouse were carried out a few years ago and the mortgage covering this work is coming up for renewal and that if the Proposed Plan was approved the loss of development rights could seriously jeopardize this being successfully negotiated.

EXHIBITS:

- 77. Sketch showing golf course and adjacent lands.
- 78. Qualifications and experience of the Appraiser,
Terrance J. Shea
- 79. Aerial photo re: Glendale Golf & Country Club Limited

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report. As a result of the recommendations concerning the Urban Centres designation the subject property will be designated Escarpment Protection and if our recommendation allowing estate residential subdivisions in the Escarpment Protection Areas is approved then the request herein will partially be met.

OWNER: Donald E. Tidey
LAND: Part Lot 4, Concession 1
Township of Flamborough

SUMMARY OF SUBMISSION:

This property comprises approximately 40 acres with 1300 feet of frontage on Highway 8 adjacent to West Flamborough and in the opinion of the owner is tableland suitable for urban development. The owner further stated that he purchased the land in 1966 for development purposes and that in 1966 it was designated by the Township's planning authorities as "residential for future development". The subject lands are designated Escarpment Rural Area in the Proposed Plan. The owner requests that his lands be removed from the Proposed Plan since this land is immediately adjacent to existing subdivisions.

RECOMMENDATION:

None.

REASONS:

We are satisfied that the permitted uses are sufficient to cover the owner's needs and the land is properly included in the Proposed Plan.

AGENT: Dr. Stephen Drotos, Planning Director

GROUP: Township of Flamborough

SUMMARY OF SUBMISSION:

The Township of Flamborough submission was made by its Planning Director, Dr. Stephen Drotos, M.C.I.P. He stated that the Township supports the Proposed Plan subject to the provisos contained in the two resolutions of Council set out below:

1. "Resolved that the Niagara Escarpment Hearing Commission be informed that the Township of Flamborough do request that the indicated designation of Escarpment Rural Area, as shown on Map 2 of the Proposed Plan for the Carlisle Area be changed to indicate the Canadian Pacific Railway as a natural line; inasmuch as this will conform with the Township of Flamborough Official Plan Amendment No. 102."
2. "Resolved that Technical Report 1980-24 to the Planning Committee be received and that Council supports the exemption of Waterdown area from any Development Control, and that the Zoning By-law should apply to all lands within the former Village of Waterdown."

The first resolution is self-explanatory and the latter would, if concurred with, enable Council to designate individual properties under the *Heritage Act* rather than the present proposal in the Proposed Plan to so designate the whole village.

EXHIBIT:

80. Two resolutions of the Township of Flamborough regarding presentation re Niagara Escarpment Proposed Plan Hearing.

RECOMMENDATION:

We concur with the first request that the Canadian Pacific Railway right-of-way be the westerly boundary of the Proposed Plan in this area.

REASONS:

In our opinion the railway is the proper and easily defined boundary. As to the other issue raised, this matter has been dealt with in our recommendations, comments and reasons in the general section of this report. See also Submission 82 (Town of Ancaster).

OWNER: Dr. Catharine Beattie

SUMMARY OF SUBMISSION:

Dr. Beattie seems to support the Proposed Plan but feels that it perhaps does not go far enough. One of her main concerns involves a tennis club and the lighting on it but this is a problem which this panel cannot deal with and would have to be settled in another forum. The general points raised by Dr. Beattie are as follows:

1. There is inadequate enforcement at the present time of the existing regulations.
2. The regulations are too limited in terms of the factors considered potentially destructive of the Escarpment and its environs, e.g. lights, noise and roads are apparently not included.
3. Development appeal procedures are inadequate and biased in favour of the would-be user.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon and to make any recommendation on it.

FILE NO. 200-3

SUBMISSION NO. 96

AGENT: Mrs. Stephanie Kindt

GROUP: Ontario Trail Riders Association

SUMMARY OF SUBMISSION:

This submission was primarily concerned that a continuous route for horseback riding be provided for in the Proposed Plan. A suggested route was filed as Exhibit 81.

EXHIBIT:

81. Suggested route for horsemen around the urban areas of Hamilton in the Hamilton-Wentworth Region.

RECOMMENDATION:

None.

REASONS:

No jurisdiction to designate specific trails.

FILE NO. 200-26

SUBMISSION NO. 97

OWNER: Andrew Bodnar and Alan Daly

LAND: Part Lot 1, Concession 6
Township of Flamborough

SUMMARY OF SUBMISSION:

Mr. Bodnar owns approximately 16 1/2 acres which the Proposed Plan places in the Escarpment Protection Area. He pointed out that the land has a drainage problem and as a result about 40% of the lot is covered by water. This he feels could be solved and sufficient land would be available to erect two houses.

It is Mr. Bodnar's desire to see the lands removed from the Protection Area and simply revert to its present rural designation.

RECOMMENDATION:

None.

REASONS:

Panel cannot make a recommendation in the face of the limited evidence offered concerning these wetlands.

OWNER: Frank J. Martin

LAND: Part Lot 5, Concession 2 and 3
Town of Stoney Creek

SUMMARY OF SUBMISSION:

This submission made by the above named concerns some 48.5 acres of which 40 acres are designated in the Proposed Plan as an Escarpment Protection Area. The owner requests these lands be changed in designation to Minor Urban Centre. He agrees with the Escarpment Natural designation placed on the 8.5 acres. While the lands are being farmed now it is contended that it is not possible to continue farming for social and economic reasons. The Class 3 and 4 type soils here need extensive applications of manure, and in storing and spreading it there have been complaints and harassment from neighbours. It should be said that there are developed lands all around the farm. Spraying fruit crops has also drawn complaints because of the "drift", and sound devices to protect the crop from birds have annoyed neighbours to the point where the power wires have been cut. The farm is next to a sewage lagoon and it has released sewage three times in recent years over the land causing pollution and destruction of the vineyards. Based on all of the above and bearing in mind that sewage problems have arisen on the residential development adjoining, the Ministry of the Environment has recommended sanitary sewers for the area. Martin is of the opinion that it is a developed area and his lands should be used for some form of urban development.

EXHIBITS:

82. Map showing Frank J. Martin's property and surrounding properties.
83. Letter from the Ministry of Agriculture and Food dated July 8, 1977.

84. Map of pollution samples taken by the Ministry of the Environment.
85. Report on water pollution survey, eastern part of Town of Stoney Creek and map and covering letter from the Ministry of the Environment.

RECOMMENDATION:

None.

REASONS:

It is the opinion of the panel that the requests by Mr. Martin to some extent have been resolved by the Proposed Plan itself and further by the recommendations contained elsewhere in this report. There is no question in our minds that the difficulties encountered by this landowner with neighbours and the operation of sewage lagoons as well, makes these lands less than desirable for farming.

AGENT: Marnie Stout

GROUP: Waterdown-East Flamborough Heritage Society

SUMMARY OF SUBMISSION:

This submission supports the action in the Proposed Plan to preserve the special character of the former Village of Waterdown and makes the following recommendations:

1. "We approve in principle the Commission's recommendation for the Village, and we recommend that necessary studies be undertaken to ascertain the feasibility of such designation."
2. "In the meantime, we recommend that continued building control be maintained by the Municipality and the Niagara Escarpment Commission in order that the Special character of Waterdown be maintained."

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 200-11

SUBMISSION NO. 100

OWNER: Alan H. Towsley

LAND: Part Lot 4, Concession 8
Township of Flamborough

SUMMARY OF SUBMISSION:

This property comprises approximately 11.58 acres in the north-eastern quadrant of the Village of Carlisle and is designated Escarpment Rural in the Proposed Plan. It is in the settlement boundary of approved Official Plan Amendment No. 102. The eastern boundary of this amendment follows a Canadian Pacific Railway right-of-way. The owner requests that the lands lying west of this Canadian Pacific Railway right-of-way be deleted from the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

Dealt with in Submission 94 (Township of Flamborough).

COUNSEL: Richard R. Arblaster

OWNER: Allarco Developments Ltd.

LAND: Part Lots 53 and 54, Concession 2
Town of Ancaster

SUMMARY OF SUBMISSION:

This brief is in support of a change in the Proposed Plan by the Niagara Escarpment Commission to Urban Centre designation for certain of Allarco lands as shown on the maps in this brief.

RECOMMENDATION:

None.

REASONS:

The changes contained in the errata sheet filed by the Niagara Escarpment Commission's staff as part of Exhibit 52 rectified the above problem.

FILE NO. 200-37

SUBMISSION NO. 102

OWNER: Mr. & Mrs. John Gardiner

LAND: 91 Dartnall Road
Hamilton, Ontario

SUMMARY OF SUBMISSION:

That the above property should not be included in the Proposed Plan.

Counsel for the Niagara Escarpment Commission agreed that this property was included in the Proposed Plan in error.

RECOMMENDATION:

None.

REASONS:

These lands are recommended for removal in Submission 76 (City of Hamilton).

FILE NO. 200-36

SUBMISSION NO. 103

AGENT: John Gardiner
OWNER: Mr. and Mrs. L. Dawns
LAND: 97 Dartnall Road
Hamilton, Ontario

SUMMARY OF SUBMISSION:

The above property should not be included in the Proposed Plan.

Counsel for the Niagara Escarpment Commission agreed that this property was included in the Plan in error.

RECOMMENDATION:

None.

REASONS:

These lands are recommended for removal in Submission 76 (City of Hamilton).

FILE NO. 200-42

SUBMISSION NO. 104

OWNER: Donna Sprentz

LAND: 490 Old Dundas Road
Ancaster, Ontario

SUMMARY OF SUBMISSION:

This submission arises from a request of the Niagara Escarpment Commission to redesignate the above property from an Escarpment Protection Area to an Urban Centre Area of Direct Provincial Interest. The Commission contends that the present designation was made in error. It is noted that the present official plan of the Municipality shows the property as urban.

The owner opposes the change in designation proposed and requests that her property remain in the official plan designation. She wishes to sell the land to the adjacent Old Mill Restaurant for commercial use. While the Escarpment Protection Area and the Urban Centre Area of Direct Provincial Interest would not preclude the sale of the property as desired, it could not be used in the commercial way contemplated.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in recommendation, comments and reasons in the general section of this report.

As a result of the recommendation concerning Urban Centre designation, the subject property will be designated "Urban Centre".

OWNER: Mrs. Elizabeth Di Gregorio

LAND: Lot 46, Concession 2
Town of Ancaster

SUMMARY OF SUBMISSION:

This submission results from a request by the Niagara Escarpment Commission to redesignate the property from Escarpment Protection to Urban Centre - Outer Area. The property consists of three acres immediately adjacent to the Old Mill Restaurant and has draft subdivision approval for ten lots. Mrs. Di Gregorio requests that her property be removed from the Proposed Plan. The Niagara Escarpment Commission advised the hearing that this property could be developed under the proposed designation.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in recommendations, comments and reasons in the general section of this report.

FILE NO. 200-40

SUBMISSION NO. 106
(Written Only)

OWNER: Ronald Pavlovich

LAND: 1411 Rymal Road
Hamilton, Ontario

SUMMARY OF SUBMISSION:

The above property should not be included in the Proposed Plan.

Counsel for the Niagara Escarpment Commission agreed that this property was included in the Plan in error.

RECOMMENDATION:

None.

REASONS:

These lands recommended for removal in Submission 76 (City of Hamilton).

FILE NO. 200-39

SUBMISSION NO. 107
(Written Only)

OWNER: Ms. Monica Adam

LAND: 9 Ashdale Court
Waterdown, Ontario

SUMMARY OF SUBMISSION:

Niagara Escarpment Commission proposes changes in designation of this property from Escarpment Rural to Urban Centre.

This submission concurs.

RECOMMENDATION:

We agree with the proposed designation change.

REASONS:

This was to correct a mapping error.

FILE NO. 200-6

SUBMISSION NO. 108
(Written Only)

OWNER: David E. Diamond

LAND: Lot 9, Concession 3
Town of Stoney Creek

SUMMARY OF SUBMISSION:

This submission is a result of a change requested by the Niagara Escarpment Commission. The requested change in the Proposed Plan designation is from Public Land to Escarpment Protection.

This submission concurs with the proposed changes.

RECOMMENDATION:

We agree with the proposed change in designation.

REASONS:

This was to correct a mapping error.

FILE NO. 200-38

SUBMISSION NO. 109
(Written Only)

OWNER: Mrs. Nancy Wills and Mrs. Marguerite R. Wills

LAND: Part Lot 2, Concession 8
City of Hamilton

SUMMARY OF SUBMISSION:

This submission is the result of a request by the Niagara Escarpment Commission that the lands be removed from the Proposed Plan having been included in error.

The submission concurs.

RECOMMENDATION:

None.

REASONS:

These lands recommended for removal in Submission 76 (City of Hamilton).

FILE NO. 200-35

SUBMISSION NO. 110
(Written Only)

OWNER: Mr. and Mrs. Alan Hardy

LAND: 4 Ashdale Court
Waterdown, Ontario

SUMMARY OF SUBMISSION:

This submission is the result of a request by the Niagara Escarpment Commission to change the proposed designation on this property from Escarpment Rural to Urban Center - Outer Area.

This submission does not agree with the proposed change.

The Commission advises that the property is part of a built up subdivision and should be designated Urban Centre - Outer Area.

RECOMMENDATION:

That this property be designated Urban Centre.

REASONS:

This was to correct a mapping error.

FILE NO. 200-34

SUBMISSION NO. 111
(Written Only)

OWNER: Ms. Linda Gisbrenner

LAND: 21 Laurendale Avenue
Waterdown, Ontario

SUMMARY OF SUBMISSION:

This submission is the result of a request by the Niagara Escarpment Commission to change the proposed designation on this property from Escarpment Rural to Urban Centre - Outer Area.

This submission does not agree with the proposed change.

The Commission advises that the property is part of a built up subdivision and should be designated Urban Centre - Outer Area.

RECOMMENDATION:

That this property be designated Urban Centre.

REASONS:

This was to correct a mapping error.

FILE NO. 200-33

SUBMISSION NO. 112
(Written Only)

OWNER: Ms. Mary Jane Fletcher

LAND: 19 Ashdale Court
Waterdown, Ontario

SUMMARY OF SUBMISSION:

This submission is the result of a request by the Niagara Escarpment Commission to change the proposed designation on this property from Escarpment Rural to Urban Centre - Outer Area.

This submission does not agree with the proposed change.

The Commission advises that the property is part of a built up subdivision and should be designated Urban Centre - Outer Area.

RECOMMENDATION:

That this property be designated Urban Centre.

REASONS:

This was to correct a mapping error.

FILE NO. 200-32

SUBMISSION NO. 113
(Written Only)

OWNER: Mr. and Mrs. John Bunyon

LAND: 14 Ashdale Court
Waterdown, Ontario

SUMMARY OF SUBMISSION:

This submission is the result of a request by the Niagara Escarpment Commission to change the proposed designation on this property from Escarpment Rural to Urban Centre - Outer Area.

This submission does not agree with the proposed change.

The Commission advises that the property is part of a built up subdivision and should be designated Urban Centre - Outer Area.

RECOMMENDATION:

That this property be designated Urban Centre.

REASONS:

This was to correct a mapping error.

FILE NO. 200-31

SUBMISSION NO. 114
(Written Only)

OWNER: S.J. Obranovich

LAND: 5 Ashdale Court
Waterdown, Ontario

SUMMARY OF SUBMISSION:

This submission is the result of a request by the Niagara Escarpment Commission to change the proposed designation on this property from Escarpment Rural to Urban Centre - Outer Area.

This submission concurs with the proposed change.

RECOMMENDATION:

That this property be designated Urban Centre.

REASONS:

This was to correct a mapping error.

FILE NO. 200-7

SUBMISSION NO. 115
(Written Only)

OWNER: Ms. Helen Desroches

LAND: 3 Laurendale Avenue
Waterdown, Ontario

SUMMARY OF SUBMISSION:

This submission is the result of a request by the Niagara Escarpment Commission to change the proposed designation on this property from Escarpment Rural to Urban Centre - Outer Area.

This submission concurs with the proposed change.

RECOMMENDATION:

That this property be designated Urban Centre.

REASONS:

This was to correct a mapping error.

FILE NO. 200-24

SUBMISSION NO. 116
(Written Only)

OWNER: Taro Properties Incorporated

LAND: Town of Stoney Creek

SUMMARY OF SUBMISSION:

The change in designation from Urban Centre to Mineral Resource proposed by the Niagara Escarpment Commission is to correct a mapping error. There is a licenced pit on the property.

The submission by the owner is in accord with the change suggested.

RECOMMENDATION:

That this property be designated Mineral Resource.

REASONS:

To correct a mapping error.

AGENT: Murray Pound, Planning Consultant
OWNER: Watergate Investments Limited
LAND: Part Lot 12, Concession 3
Township of Flamborough

SUMMARY OF SUBMISSION:

This submission concerns some 64 acres located on the south side of Highway 5 just east of Highway 6 and is proposed to be designated Urban Centre and Escarpment Protection Area. It requested that the Proposed Plan be modified to allow industrial development on these lands in conformity with the Regional official plan.

EXHIBITS:

- 505. Alternative 1, Industrial and Commercial Land Use Proposal, Watergate Holdings, south of Highway 5, Township of Flamborough, Regional Municipality of Hamilton-Wentworth. Montague Pound Associates Limited, Planning Consultants.
- 506. Air photo showing property of Watergate Investments Limited, Part Lot 12, Concession 3, Township of Flamborough, Regional Municipality of Hamilton-Wentworth.

RECOMMENDATION:

None.

REASONS:

In Submission 78 (Regional Municipality of Hamilton-Wentworth) we have recommended that these lands as well as others be changed to Urban Centre since it properly rounds out the Urban Centre designation in this area.

FILE NO. S 200-47

SUBMISSION NO. 605

OWNER: R.T. Sherwin

LAND: Part Lots 23 and 24, Concession 2
Part Lot 23, Concession 3
Township of Flamborough

SUMMARY OF SUBMISSION:

This submission deals with 78 acres of land in the above ownership designated as Escarpment Protection. The owner objects to the "Protection" designation on his lands and wants them removed from the Proposed Plan to facilitate their development.

EXHIBIT:

507. Air photo showing property of R.T. Sherwin, Part Lots 23 and 24, Concession 2 and Part Lot 23, Concession 3, Township of Flamborough, Regional Municipality of Hamilton-Wentworth.

RECOMMENDATION:

The Proposed Plan be modified by deleting the subject lands therefrom.

REASONS:

On the basis of the evidence adduced we are of the opinion the only reason for the inclusion of these lands in the Plan was to provide absolute continuity.

FILE NO. S 200-48

SUBMISSION NO. 606

OWNER: Celeste Iacobelli

LAND: Part Lot 10, Concession 1
Township of Flamborough

SUMMARY OF SUBMISSION:

Mr. Wayne Green and Mr. Robert J. Miller appeared on behalf of Mr. Celeste Iacobelli. It appears that any difficulty which may have been contemplated in this submission has been resolved because the lands are contained within the Minor Urban Centre designation.

RECOMMENDATION:

None.

REASONS:

None necessary.

AGENT: John Ellis, Chairman
GROUP: Save the Valley Committee

SUMMARY OF SUBMISSION:

This submission was primarily concerned with the proposed Red Hill Creek Expressway and the objectives of the Proposed Plan and made the following recommendations:

1. That the Red Hill Creek Valley be designated a Provincially Significant Nature Area, pursuant to Section 4.6 and included on Map D.
2. That as a result of the designation, the permitted uses under Section 2.6.2 (a) of the Proposed Plan be amended by adding No. 6 "except the proposed Red Hill Creek Expressway".
3. That in order to ensure the Red Hill Creek Valley and Marsh designation as a Provincially Significant Area, they should be included in Section 3.4 (Future Acquisitions) and Section 3.7 as a proposed Escarpment Park. As a park, it would connect to Mount Albion Natural Environment Recreation Park and provide a unique and significant recreational and conservation area for the Region and the Province.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.

OWNER: Dundana Homes Limited
LAND: Rorke Hills Subdivision
Town of Dundas

SUMMARY OF SUBMISSION:

This application concerned a subdivision which has already been approved and the plan is now being implemented. The Proposed Plan designates a part of the area as Escarpment Natural and the company fears that some buyers may be hesitant. They contend the map should be amended to move the "Natural" line back to the Canadian National Railway tracks because the balance of the property is Urban Centre.

RECOMMENDATION:

That the whole of the subject property be designated Urban Centre.

REASONS:

In this particular instance the railway tracks make a logical boundary.



PHASE II HEARING

THE

REGIONAL MUNICIPALITY OF HALTON



Niagara Escarpment Proposed Plan Hearing

Ontario

A. L. McCrae, Chief Hearing Officer
W. T. Shrives, Hearing Officer
M. D. Henderson, Hearing Officer

Walter W. Gowing
Administrator

INDEX

LIST OF SUBMISSIONS

PHASE II

REGIONAL MUNICIPALITY OF HALTON

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Ad Hoc Committee of Burlington Citizens	300-59	365	894
Aiken, John H.	300-61	360	888
Alpine Club of Canada	300-10	362	891
Bandi, Roman	300-57	358	885
Barac, Mirka	S 300-80	626	931
Barac, Stanko	S 300-80	625	930
Bayly, Mrs. Laura	S 300-109	650	955
Biason, Mrs. Mary	300-53	353	880
Biasuitti, Mr. and Mrs. L.	S 300-126	652	957
Bilton, Ken	S 300-71	610	915
Bilton, Marjorie	S 300-72	611	916
Book, George	300-49	346	872

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Boycott, Mrs. Deborah	S 300-78	618	923
Bronder, Marianne	S 300-100	642	947
Burlington, City of	300-16	327	845
Casson, David	S 300-26	665	966
Cecile, Charles	300-54	331	854
Cedar Springs Community Club	300-8	332	855
Charlebois, J.P.	300-36	356	883
Chisholm, J.L.	300-51	347	873
Chornook, Mrs. V.	S 300-101	644	949
Coalition on the Niagara Escarpment	300-3	364	893
Credit Valley Conservation Authority	300-21	329	851
De Rycke, Guido	S 300-98	641	946
Devries, John	S 300-114	661	962
Devries, Mildred	S 300-115	662	963
Diamond, Mr. and Mrs. Phil	S 300-110	651	956
Di Pasquale, Zarrato and Pappais	S 300-64	672	972
Dodokin, Mrs. Gail S.	300-1	361	890
Duff, J. C. Limited	300-9	370	908
Dufferin Aggregates	300-30	367	897
Elsley W.B.	S 300-125	664	965
Esson, Mabel and Charles and Middlebrook, Edgar and Neil	S 300-66	674	974
Fairles, Mr. and Mrs. D. W.	S 300-105	646	951
Falls, Douglas J.T.	S 300-87	630	935

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Falls, Jean	S 300-60	614	919
Federation of Ontario Naturalists	300-22	355	882
Focus Developments Limited	300-44	349	875
Foster, T.C.	S 300-127	669	970
Foundation for Aggregate Studies	300-55	363	892
Goldfan Holdings Limited	300-41	357	884
Greenfield, David	300-20	335	859
Halton Field Naturalists	300-7	339	863
Halton Hills, Town of	300-31	328	849
Halton Region Conservation Authority	300-45	369	903
Halton, Regional Municipality of	300-11	326	843
Harrison, Earle	S 300-77	617	922
Hewitt, Clarence	300-40	345	870
Hurren, Harold	300-14	341	865
Islington Investments Limited	300-19	350	876
Jurss, Alfred	300-42	354	881
Kenzie, James B.	S 300-94	637	942
Loach, Gerald K. and Lean, R.	S 300-65	673	973
Martin, Amos C. Ltd.	300-27	371	909
Medland, Dr. and Mrs. D.	S 300-113	660	961
Milton, Town of	300-35	372	910
Mitchell, John E.	300-37	343	868
Mohawk Quarries Limited	S 300-50	608	911

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Mokrytzki, Boris	S 300-107	648	953
Mokrytzki, Steve	S 300-106	647	952
Mokrytzki, Vera V.	S 300-108	649	954
McDonell, Frances M.	S 300-73	613	918
McDonell, Martin J.	S 300-76	612	917
McFee, A.	S 300-70	667	968
McMeeken, Mr. and Mrs. R.C.	S 300-79	619	924
Ontario Rock Climbing Association	300-39	352	879
Ontario Trail Riders Association	300-43	338	862
O'Reilly, Mr. and Mrs. James	300-5	340	864
Pemberton, Jack D.	S 300-68	615	920
Penson, William F.	300-25	348	874
Prucyk, Mrs. and Mrs. Joseph	300-2	366	895
R. D. B. Building Products Ltd.	300-52	351	878
Reed, Mrs. J.	S 300-69	616	921
Reed, Laurie E.	S 300-121	663	964
Rice and McHarg Limited	S 300-62	653	958
Samuel Roy Enterprises	300-56	342	866
Sheldon, Mrs. Pamela	S 300-104	645	950
Shepherd, Ronald and Jeanne	S 300-124	676	975
Smith, Derek	S 300-112	658	959
Smith, Pam	S 300-111	659	960
Spaldin, Mr. and Mrs. Barry	S 300-82	627	932
Speyside Area Ratepayers Association	S 300-58	609	913

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Standard Industries Limited	300-17	368	899
Swan, Lois M.	S 300-96	639	944
Swan, J. A.	S 300-95	638	943
Symmes, L.R.L.	300-48	344	869
Toccalino, A.J.	S 300-97	640	945
Toccalino, Carlo F.	S 300-117	621	926
Toccalino, Carlo T.	S 300-117	620	925
Toccalino, Mrs. Jeanette	S 300-123	624	929
Toccalino, Kearen	S 300-99	643	948
Toccalino, Louis	S 300-118	622	927
Toccalino, Michael	S 300-119	623	928
Toronto Bruce Trail Club	S 300-29	666	967
Toronto Field Naturalists Club	S 300-32	668	969
Towsley-Ward Investments Inc.	300-12	330	853
United Ceramics Limited	300-28	336	860
Van Sickie, Barbara	S 300-84	628	933
Van Sickie, Fred	S 300-85	629	934
Vaughan, J. Bryan and Dorothy Truax	300-34	359	886
Verrico, Capibianco and Cassala	S 300-63	671	971
Walton, Andrew	S 300-91	634	939
Walton, Barbara	S 300-92	635	940
Walton, David	S 300-93	636	941
Walton, Miss Gloria	S 300-90	633	938
Watkins, Mrs. Janet	300-15	334	858

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Whaley, Catherine	300-18	333	857
Wood, Janet M.	S 300-89	632	937
Wood, Kenneth	S 300-88	631	936
Zohoruk, Harry	300-13	337	861

PHASE II

GENERAL STATEMENT

REGIONAL MUNICIPALITY OF HALTON

The *Niagara Escarpment Planning and Development Act* in Section 10 (6) requires that "separate reports shall be submitted for each part of the Niagara Escarpment Planning Area for which a hearing or hearings was held".

In accordance with this requirement the report for the part of the Niagara Escarpment Planning Area within the Region of Halton for which a hearing was held at Burlington together with a portion of the supplementary hearing held at Burlington consists of the summaries of each of the individual submissions.

The submissions for this section are numbered 326 to 372 inclusive, 608 to 653 inclusive, 658 to 669 inclusive, 671 to 674 inclusive and 676.

The report for this part of the Planning Area must be read in conjunction with the general section of this report.

Recommendations are contained in the following submissions

for this section: 327, 349, 353, 368, 653, 669, 672, 673 and 674.

PHASE II

REGIONAL MUNICIPALITY OF HALTON

SUMMARY

OF

SUBMISSIONS, RECOMMENDATIONS AND REASONS

FILE NO. 300-11

SUBMISSION NO. 326

COUNSEL: Kenneth Anderson and Robert Christie

GROUP: Regional Municipality of Halton

SUMMARY OF SUBMISSION:

The submission by the Regional Municipality of Halton was made in two parts both very extensive and in support of the Proposed Plan with certain proposals for change. At page 18 of the first paper given by a senior planner, it is stated that this is a summary of the concerns presented at the Ancaster and Owen Sound hearings, so it is not necessary to again reiterate them.

The second paper outlines the Halton Environmentally Sensitive Areas and how they were selected. Pictures were shown to illustrate some of the locations and the criteria applied by Halton in its selection for inclusion in its official plan. Halton would like the criteria for Escarpment Natural Areas in the Proposed Plan to be more extensive than it is in keeping with the Halton Environmentally Sensitive Areas. On a map of the Niagara Escarpment Planning Area in Halton certain hatched areas where a portion of the Environmentally Sensitive Areas exists should be designated Escarpment Natural Area.

Each Environmentally Sensitive Area was reviewed by the municipality and it is noted that the boundaries of the Commission's Escarpment Natural lands are with a few exceptions consistent with those of the Halton Environmentally Sensitive Areas. Where inconsistencies are evident the Region would like the Escarpment Natural designation extended to strengthen the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission really supported the Proposed Plan and suggested some alterations that we have thoroughly considered and are of the opinion that the suggestions would not significantly add to the Proposed Plan.

COUNSEL: Gordon Grechulk

GROUP: City of Burlington

SUMMARY OF SUBMISSION:

This submission recommends as follows for areas as set out in Exhibit 206 in these proceedings:

1. The City recommends the Escarpment Natural Areas designation replace the Escarpment Rural Areas designation along Limestone Creek (Area 1 a).
2. The City recommends the Escarpment Natural Areas designation replace the Escarpment Protection and Escarpment Rural designations along Bronte Creek and along the valley lands west of Cedar Springs Road (Area 1 b).
3. The City recommends the Escarpment Natural Areas designation replace the Escarpment Protection Areas designation from Guelph Line to Cedar Springs Road (Area 1 c).
4. The City recommends the Escarpment Natural Areas designation replace the Escarpment Protection Areas designation around Mount Nemo (Area 1 d).
5. The City of Burlington also recommends that since one of the priorities of this Plan is the protection of the Escarpment ridge itself, this ridge should then be identified on the final Niagara Escarpment Plan maps (Area 1 d).
6. The City recommends the Escarpment Protection Areas designation replace the Escarpment Rural Areas designation west of Cedar Springs Road (Area 2 a).

7. The City recommends the Escarpment Rural Areas designation replace the Escarpment Protection Areas designation along Britannia Road (Area 3 a).
8. The City recommends the Escarpment Rural Areas designation replace the Escarpment Protection Areas designation along and near Blind Line (Area 3 b).
9. The City of Burlington recommends that the Escarpment Protection Areas boundary be moved eastward from Mount Nemo Crescent and be replaced by the Escarpment Rural Areas designation (Area 3 c).
10. The City of Burlington recommends that the Escarpment Protection Areas designation be replaced by an Escarpment Rural Areas designation near the Village of Kilbride (Area 3 d).
11. The City of Burlington recommends that the Minor Urban Centre designation - Alfred Harris Gardens located at No. 2 Sideroad and Cedar Springs Road, be deleted from the map.
12. The City recommends that Lake Medad be acquired as a future Nature Reserve Park.
13. The City recommends that the undeveloped areas on slopes of the Escarpment in the Mount Nemo area be acquired and preserved for recreational purposes.

EXHIBITS:

205. Curriculum Vitae - Mr. Liaquat M. Siddiqui
206. An area map showing the Niagara Escarpment Commission Proposed Plan within the City of Burlington with an overlay indicating proposed changes by the City of Burlington.

RECOMMENDATIONS:

1. None.
2. None.
3. None.
4. None.
5. None.
6. None.
7. None.
8. None.
9. None.
10. None.
11. That the Minor Urban Centre designation for Alfred Harris Gardens be deleted.
12. None.
13. None.

REASONS:

1. This is a link only and not included in a Halton Environmentally Sensitive Area and we are of the opinion that this requested change should not be recommended.
2. We are of the opinion that this area has been properly designated in the Proposed Plan.
3. We are of the opinion that this area has been properly designated in the Proposed Plan.
4. We are of the opinion that this area has been properly designated in the Proposed Plan.
5. The Proposed Plan does not indicate the location of

the scarp in any area.

6. We are of the opinion that this area has been properly designated in the Proposed Plan.
7. We are of the opinion that this area has been properly designated in the Proposed Plan.
8. We are of the opinion that this area has been properly designated in the Proposed Plan.
9. We are of the opinion that this area has been properly designated in the Proposed Plan.
10. We are of the opinion that this area has been properly designated in the Proposed Plan.
11. This is a minor amendment and will not affect the Proposed Plan in any way.
12. The subject of acquisitions has been dealt with elsewhere in this report.
13. The subject of acquisitions has been dealt with elsewhere in this report.

COUNSEL: Thomas Anderson

GROUP: Town of Halton Hills

SUMMARY OF SUBMISSION:

The submission made, indicates 29% of the total area of the Town of Halton Hills is encompassed in the Proposed Plan. Most of the concerns of the Town raised following the Preliminary Proposals have been addressed by the Commission, but there are still some concerns.

The Town is satisfied with the permitted uses of the Plan, save for wayside pits and these should not be permitted in the designations proposed. It notes that this use is permitted in the Plan's Escarpment Rural Areas and also in the Town's Rural Areas as indicated in its official plan. Should this use remain in the Escarpment Protection Areas and Escarpment Rural Areas the Town requests strict control with substantial municipal involvement in the approval process. An asphalt plant should not be an accessory use where it would affect the natural environment, especially in the Escarpment Protection Area. The Town is concerned about the implementation recommendations of the Proposed Plan. Delegation for approvals should be further delegated to both Town and Region since at present planning approvals are joint endeavours. More input is sought by the Town when the implementation procedure is decided.

The Town of Halton Hills has considered the designations in the Proposed Plan with respect to the Standard Industries site and has considered the designations as appropriate.

EXHIBIT:

207. Curriculum Vitae - Mr. M.P. Venditti

RECOMMENDATION:

None.

REASONS:

The general recommendations in this submission are dealt with elsewhere in this report and as far as the recommendation re Standard Industries site is concerned, this is dealt with in Submission 368 (Standard Industries Ltd.).

AGENT: Rose Menyes, Senior Conservation Planner

GROUP: Credit Valley Conservation Authority

SUMMARY OF SUBMISSION:

This submission made the following recommendations in connection with park names:

Re Section 3.7 of the Proposed Plan:

No. 76 Terra Cotta South - change to Terra Cotta
Conservation Area

No. 77 Silver Creek - change to Silver Creek
Conservation Area

No. 78 Limehouse - change to Limehouse Conservation
Area

This submission also made several recommendations requesting that the Proposed Plan include reference in several sections that Conservation Authority approval is also required. The following sections are referred to in this regard:

2.9.1 - No. 4 - Existing Uses

2.9.4 - No. 1 - New Development Adjacent to Streams, Lakes
& Wetlands

2.9.4 - No. 3 - New Development Adjacent to Streams, Lakes
& Wetlands

2.9.5 - Numbers 1 to 7 - New Development Adjacent to Ravines

In addition, the submission also made the following recommendations:

2.9.5 - Definition of "Ravine" should be included in the Plan.

2.9.6 - No. 3 - All slopes should be included and not just those
in excess of 25%.

2.9.9 - Issue of enforcement should be addressed.

2.9.11 - No. 3 - The term "carrying capacity" should be

properly defined or deleted.

- 2.9.13 - Consideration should be given to including an overlay with designations for Mineral Aggregate Areas expected to be depleted and/or rehabilitated within the term of the Proposed Plan.

Further concern was expressed that the Proposed Plan did not properly take into account the land acquisition programme of the Authority and it was recommended that consideration be given to re-evaluating the "Future Acquisition" section of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

As far as the change in names is concerned we leave this to the good judgement of the Niagara Escarpment Commission and the Conservation Authority.

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. 300-12

SUBMISSION NO. 330

AGENT: Alan H. Towsley
OWNER: Towsley-Ward Investments Inc.
LAND: Part Lot 8, Concession 2 N.S.
City of Burlington

SUMMARY OF SUBMISSION:

The lands involved in this submission consist of 62.5 acres of vacant land situated in the settlement of Kilbride and are designated Escarpment Protection in the Proposed Plan. According to Mr. Towsley these lands are the subject of an active proposed plan of subdivision and presently are awaiting a City of Burlington Secondary Plan for the settlement of Kilbride. It is requested, by this submission, that the subject lands proposed designation be changed from Escarpment Protection to Escarpment Rural. The City of Burlington also recommended this change in Submission 327. The evidence of Towsley in this submission was to the effect that the subject lands are suitable for development and that the scarp is some 600 to 800 feet away and is perhaps buried some 80 feet.

RECOMMENDATION:

None.

REASONS:

On the basis of the evidence adduced we are of the opinion that these lands are properly designated and in any event if our recommendation concerning rural low density subdivisions in the Escarpment Protection designation is concurred with then the possibility of development of these lands is open.

FILE NO. 300-54

SUBMISSION NO. 331

OWNER: Charles Cecile

SUMMARY OF SUBMISSION:

This submission did not refer to any specific lands in this sector but was in support of the Proposed Plan as it pertains to the Regional Municipality of Halton even though in Mr. Cecile's opinion not enough land has been included in the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 300-8

SUBMISSION NO. 332

COUNSEL: David R. Lee, Q.C.

OWNER: Cedar Springs Community Club

LAND: Part Lot 7, Concession 1 N.S.
Part Lots 6, 7 and 8, Concession 2 N.S.
City of Burlington

SUMMARY OF SUBMISSION:

The subject lands consist of some 395 acres on Cedar Springs Road south of Kilbride on which there are 12 permanent residences and 71 seasonal cottages. The lands are designated Escarpment Natural and Escarpment Protection in the Proposed Plan. This submission requests that the designation be changed to Escarpment Recreation to allow provision for the development of 11 new cottages.

The subject lands are adjacent to the lands in Submission 330 (Towsley-Ward Investments Inc.) and are contained in Amendment No. 81 of the local official plan as well. The City of Burlington in its submission (No. 327) supports the request. A planner for the Region of Halton gave evidence that the addition of 11 lots would be in conformity with the Region's official plan. Under the Region's official plan these lands are in an Environmentally Sensitive Area and therefore an Environmental Impact Study would be required.

EXHIBIT:

208. Air photo showing property (outlined by red line) of the Cedar Springs Community Club, City of Burlington, Regional Municipality of Halton, as defined by Planistics Group, Hamilton, Ontario.
Scale: 1:5000 with Legend and two overlays.

RECOMMENDATION:

None.

REASONS:

We are of the opinion on the basis of the evidence adduced that the lands are properly designated and if our recommendation concerning low density subdivisions in the Escarpment Protection designation is concurred with then the application for development of a portion of the subject lands could be made.

FILE NO. 300-18

SUBMISSION NO. 333

OWNER: Miss Catherine Whaley

SUMMARY OF SUBMISSION:

This submission was made by Catherine Whaley a student at Milton District High School and was in general support of the Proposed Plan with particular reference to development control as being the best method of implementation. Miss Whaley's real concern appeared to be making sure that the Town of Milton's development did not expand.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. 300-15

SUBMISSION NO. 334

OWNER: Mrs. Janet M. Watkins

LAND: Part Lot 10, Concession 5 N.S.
City of Burlington

SUMMARY OF SUBMISSION:

The subject property consists of some 2.5 acres and is designated Escarpment Rural in the Proposed Plan and Mrs. Watkins would prefer that the designation be Escarpment Protection.

This submission was in general support of the Plan and in addition does not want any expansion of quarries in the Regional Municipality of Halton.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 300-20

SUBMISSION NO. 335

OWNER: David Greenfield

LAND: Part Lot 10, Concession 5 N.S.
City of Burlington

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan but would also like to see more technical input into the development permit procedure so that more environmental expertise is applied.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 300-28

SUBMISSION NO. 336

COUNSEL: Philip L. Sanford

OWNER: United Ceramics Limited

LAND: Part Lot 14 and 15, Concession 1 N.S.
Town of Milton

SUMMARY OF SUBMISSION:

The subject lands designated Escarpment Rural contain readily exploitable deposits of shale and in line with the evidence presented by the Toronto Brick Company (a division of United Ceramics Limited) is necessary for the long range operations of the Company.

This submission requested that the subject lands, which have been owned by the Company for over 60 years, be excluded from the Proposed Plan or in the alternative that the Proposed Plan be amended to recognize the subject lands as a Mineral Resource Area.

The Region of Halton Official Plan shows the subject lands as being a Mineral Resource Protection Area.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with elsewhere in this report and if our recommendation to identify Mineral Resource Protection Areas is concurred with, then this property will be so identified.

FILE NO. 300-13

SUBMISSION NO. 337

OWNER: Harry W. Zohoruk
LAND: 4001 Guelph Line
City of Burlington

SUMMARY OF SUBMISSION:

This submission was concerned with severance policies contained in the Proposed Plan. The evidence submitted was that a proposed severance had not been approved by the Ontario Municipal Board.

The applicant herein recommended that where the scarp severs a piece of land into two parts that there be a policy established that such a parcel could be divided and would not be in contravention of the new lot policies contained in the Proposed Plan.

EXHIBIT:

209. Air photo showing property of Harry W. Zohoruk,
Lot 15, Concession 2, City of Burlington.

RECOMMENDATION:

None.

REASONS:

We are of the opinion based on the evidence, that this land is properly designated and should remain in the Proposed Plan.

FILE NO. 300-43

SUBMISSION NO. 338

AGENT: Fred Bell

GROUP: Ontario Trail Riders Association

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 300-7

SUBMISSION NO. 339

AGENT: Albert Bisschop, President

GROUP: Halton Field Naturalists

SUMMARY OF SUBMISSION:

This submission expressed strong support for the Proposed Plan in the Regional Municipality of Halton.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Mr. and Mrs. James O'Reilly
LAND: Part W 1/2 Lot 14, Concession 1
Town of Milton

SUMMARY OF SUBMISSION:

The submission concerns 7.8 acres of land located as above. It is in the Escarpment Protection Area, and it is alleged the property has nothing to do with the Escarpment or is of no Provincial interest. Owners want to be excluded from the Proposed Plan.

EXHIBIT:

210. Air photo showing property of Mrs. S. O'Reilly,
Part W 1/2 Lot 14, Concession 1, Town of Milton.

RECOMMENDATION:

None.

REASONS:

This property, on the basis of the evidence, is properly designated and should remain in the Proposed Plan.

FILE NO. 300-14

SUBMISSION NO. 341

OWNER: Harold Hurren
LAND: Part W 1/2 Lot 14, Concession 1
Town of Milton

SUMMARY OF SUBMISSION:

This applicant is the former owner of part west half of Lot 14, Concession 1, dealt with under Submission 340 (Mr. and Mrs. James O'Reilly). He no longer retains any property, but has an interest in the above described lands and other parts of Lot 14. It is his request that the lands be deleted from the Proposed Plan and failing this be placed in the Escarpment Rural designation.

RECOMMENDATION:

None.

REASONS:

This property, on the basis of the evidence, is properly designated and should remain in the Proposed Plan.

AGENT: Donald May and Associates Limited
OWNER: Samuel Roy Enterprises
LAND: 42 acres West of Twiss Road between
Sideroad 8 and Kilbridge Street
8 acres in Lowville - west of Guelph Line and
south of Sideroad 8
City of Burlington

SUMMARY OF SUBMISSION:

The purpose of the submission is as follows:

1. To clarify the status of the Kilbride and Lowville settlement boundaries.
2. To state that the Minor Urban Centres section is unworkable due to the arbitrary requirements.

The main concern here is delay whereby the lands as above stated are frozen until secondary plans are completed.

The following requests were made in this submission:

1. The settlement boundaries approved in Official Plan Amendment No. 81 to the Burlington Planning Area Official Plan be the settlement boundaries for Kilbride and Lowville.
2. That the term "Secondary Plan" be deleted from the Proposed Plan.
3. Delete the ability for the list of Minor Urban Centres to be changed without amendment to the Proposed Plan.
4. The hearing officers of the Niagara Escarpment Proposed Plan Hearing should recognize that once the Proposed Plan for the Niagara Escarpment is approved -

landowners will be subject to approved arbitrary growth in the Niagara Escarpment Commission Plan objectives that cannot be quantified and require subjective interpretation. The approval of this official plan will require the Region and local official plans to be brought into conformity.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.

OWNER: John E. Mitchell
LAND: Lot 27, Concession 10
Town of Halton Hills

SUMMARY OF SUBMISSION:

The above owner resides on the subject property which is located adjacent to the location of the Bruce Trail. He has never experienced any of the vandalism reported by others on parts of the trail. The submission is fully in accord with the Proposed Plan and points out development control is the best way to preserve an irreplaceable Provincial feature.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 300-48

SUBMISSION NO. 344

OWNER: L.R.L. Symmes
LAND: Part Lot 32, Concession 11
Town of Halton Hills

SUMMARY OF SUBMISSION:

The applicant's home is erected on his late father's pasture farm in the northeast corner of Halton Region, designated Escarpment Rural in the Proposed Plan.

He is fully in support of the Proposed Plan and its objectives.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

COUNSEL: W. Gall

OWNER: Clarence Hewitt

LAND: Part Lot 8, Concession 2 N.S.
City of Burlington

SUMMARY OF SUBMISSION:

The lands in this submission, some 20.127 acres, are located close to the Kilbride area and are partly in the Escarpment Protection Area and a small part is in the Escarpment Natural designation. It is requested that the owners be permitted to develop the upper tableland portion of the holding in an open plan-type rural estate setting. Although the brief is extensive the applicant has summed up all the pertinent points as follows:

We wish our upper tableland to be designated Escarpment Rural because:

1. This allows the secondary plan studies to continue with the same objectives outlined in the Municipal Official Plan Amendment No. 81.
2. This position is supported in Burlington's submission (No. 327) before your hearing.
3. Region has adopted, and therefore supports its area municipality and position.
4. Water and sewer capability studies indicate an excellent technical potential for our land in terms of water, sewers and no adverse effects on the existing wells.
5. Such redesignation would not harm the Niagara Escarpment Commission objectives, as low density estates with properly grouped housing units and open space down the centre will still allow a full view of the tree line to the south.

EXHIBITS:

211. Air photo showing property of Clarence Hewitt, Part
Lot 8, Concession 2 N.S., City of Burlington.

RECOMMENDATION:

None.

REASONS:

If our recommendation permitting low density subdivisions in the Escarpment Protection designation is concurred with then application may be made for development on the subject lands which we are of the opinion are properly designated.

FILE NO. 300-49

SUBMISSION NO. 346

OWNER: George Book

LAND: E 1/2 Lot 20, Concession 4
Town of Halton Hills

SUMMARY OF SUBMISSION:

The subject land is designated Escarpment Protection although it is located a few hundred yards north of a Mineral Resource Area. He requests he be given an Escarpment Rural designation.

RECOMMENDATION:

None.

REASONS:

In our opinion, based on the evidence, these lands are properly designated and should remain in the Proposed Plan.

FILE NO. 300-51

SUBMISSION NO. 347

OWNER: J.L. Chisholm
LAND: Part Lot 5, Concession 6
Town of Milton

SUMMARY OF SUBMISSION:

This owner has approximately 50 acres which has always been used agriculturally by the family dating back to 1802. It is still being so used but over the years it has decreased to the present size. Between the Provincial Government taking for Highway 401 and later road widening over 100 acres was taken from the original holding. The Proposed Plan designates the land as Escarpment Protection and the owner wants the Escarpment Rural designation in accord with the designation just to the east of him. In 179 years his family has never sold a lot but some time he may require one should it be needed for a member of the family to carry on the business of breeding champion livestock.

EXHIBIT:

212. Air photo showing property of J.L. Chisholm,
Part Lot 5, Concession 6, Town of Milton.

RECOMMENDATION:

None.

REASONS:

In our opinion, based on the evidence, these lands are properly designated.

AGENT: Patrick Sweet, Planning Consultant
OWNER: William F. Penson
LAND: Part W 1/2 Lot 23, Concession 8
Town of Halton Hills

SUMMARY OF SUBMISSION:

The above mentioned lands are some 18 acres in extent designated as Escarpment Rural in the Proposed Plan and containing a farm equipment building thereon. An aerial map contained in the brief shows clearly delineated the existing industrial, commercial, institutional and residential uses, as well as committed industrial by Niagara Escarpment Commission permit to the immediate north of the subject farm equipment building.

It is requested that these lands be excluded from the Proposed Plan.

EXHIBIT:

213. Air photo showing property of William F. Penson,
Lot 23, Concession 8, Town of Halton Hills.

RECOMMENDATION:

None.

REASONS:

On the basis of the evidence we are of the opinion that these lands are properly designated and should remain in the Proposed Plan.

FILE NO. 300-44

SUBMISSION NO. 349

COUNSEL: Peter McWilliams, President

OWNER: Focus Development Ltd.

LAND: Lot 11, Concession 1 New Survey
Town of Milton

SUMMARY OF SUBMISSION:

The subject property, some 73 acres, is located with frontage on the Derry Road and is immediately west of the Canadian National Railway tracks. It has a 10 inch watermain across the frontage and in the opinion of the owner is desirable industrial land. The Niagara Escarpment, he contends, is more than one mile away. It is requested that this rurally designated parcel be excluded from the Proposed Plan to fulfill its industrial potential.

RECOMMENDATION:

That the Proposed Plan be modified by deletion of the subject lands.

REASONS:

These lands were included in the Proposed Plan as being lands in the vicinity. During the hearing counsel for the Niagara Escarpment Commission advised us that the inclusion of these lands was a judgement call, and on the basis of the evidence adduced by the owner we are of the opinion that the deletion of these lands will not adversely affect the objectives of the Proposed Plan or the *Niagara Escarpment Planning and Development Act*.

COUNSEL: Brian Corbett
OWNER: Islington Investments Limited
LAND: Part Lot 13, Concession 7 N.S.
Town of Milton

SUMMARY OF SUBMISSION:

The subject property comprises approximately 118 acres and is designated Escarpment Protection under the Proposed Plan. The evidence adduced by the applicant was that a permit to construct a golf course on the subject lands has been issued by the Niagara Escarpment Commission. The applicant also stated that there is at present estate development to the west and to the north of the subject property. The request in this submission is that the Proposed Plan be amended in a manner that would permit the development of perhaps up to eight estate residential lots which in the opinion of the planner giving evidence on behalf of the applicant would not be seen from the road because of the land contours.

EXHIBITS:

- 214. Curriculum Vitae - James R. Balfour
- 215. Air photo with two overlays showing property of Islington Investments, Town of Milton.
- 216. Air photo showing property of Islington Investments Limited, Part Lot 13, Concession 7 N.S., Town of Milton.

RECOMMENDATION:

None.

REASONS:

If our recommendation to permit low density rural estate subdivisions in the Escarpment Protection designation is concurred with an application may be made to allow such development on the subject lands.

COUNSEL: Richard Day
OWNER: R.D.B. Building Products Ltd.
(Milton Brick)
LAND: Lot 1, Concession 1 N.S.
Town of Milton

SUMMARY OF SUBMISSION:

The subject property is designated Escarpment Protection with a portion designated Mineral Resource Area under the Proposed Plan. There is at present an existing pit licence covering this portion which is estimated to have a lifetime of 20 to 25 years. The request of this submission is that the Mineral Resource Area designation be expanded to include the area adjacent to the existing plant which area previously had some extraction operations.

EXHIBIT:

217. Air photo showing property of R.D.B. Building Products Ltd., Part Lot 1, Concession 1, Town of Milton.

RECOMMENDATION:

None.

REASONS:

If our recommendation to identify Mineral Resource Protection Areas is concurred with then the subject lands should be so identified.

FILE NO. 300-39

SUBMISSION NO. 352

AGENT: David J. Moore, Vice President

GROUP: Ontario Rock Climbing Association

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan in so far as it pertains to the areas of the Escarpment that are designated Escarpment Natural and Escarpment Protection on Proposed Plan Map 3.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

AGENT: Hamish Harrison
OWNER: Mrs. Mary Biason
LAND: Lot 10, Concession 1
Town of Milton

SUMMARY OF SUBMISSION:

The subject property comprises some 140 acres and is designated Escarpment Rural under the Proposed Plan. It is flat farmland about one mile from the base of the Escarpment slopes. The request of this submission is that these lands be removed from the Proposed Plan.

EXHIBIT:

218. Air photo showing property of Mrs. Mary Biason,
Part Lot 10, Concession 1, Town of Milton.

RECOMMENDATION:

The Plan be modified by the deletion of the subject lands.

REASONS:

We are of the opinion, on the basis of the evidence adduced that the deletion of these lands will not interfere with the objectives of the Plan or the *Niagara Escarpment Planning and Development Act*.

FILE NO. 300-42

SUBMISSION NO. 354

OWNER: Alfred Jurss

LAND: West 1/2 Lot 2, Concession 3 N.S.
City of Burlington

SUMMARY OF SUBMISSION:

The subject property is a 10 acre parcel and is designated Escarpment Rural under the Proposed Plan. The concern expressed by this submission was that, in the opinion of the applicant, the kind of development he has under consideration would not be permitted by the Proposed Plan. Mr. Jurss wishes to construct dwellings for his family and also to construct ponds. Mr. Jurss stated that he had made seven applications for development permits in the past four years and all had been refused.

RECOMMENDATION:

None.

REASONS:

In our opinion the evidence would indicate that these lands are properly designated.

AGENT: Stewart G. Hilts

GROUP: Federation of Ontario Naturalists

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and made the following recommendations:

1. Aggregate extraction should be called an interim use and where such designations appear there should also be a designated future use.
2. "Essential transportation and utility facilities" should be deleted as a permitted use in the Escarpment Natural Areas.
3. More funds should be provided for public acquisition of lands.
4. More areas should be designated for acquisition priority.
5. Niagara Escarpment Commission should take active role in other areas not included in the Proposed Plan.
6. Private landowners are the best custodian of land in its natural state.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. 300-36

SUBMISSION NO. 356

OWNER: J.P. Charlebois

SUMMARY OF SUBMISSION:

This submission was made by a non-owner of land in the area covered by the Proposed Plan and was in support of the Plan and further proposed that any modifications in the Region of Halton be along the guidelines set out in the submission by the Region of Halton.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

AGENT: Miss Lucy Stocco, Development Manager
OWNER: Goldfan Holdings Limited
LAND: West 1/2 Lots 25 and 26, Concession 4
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was made primarily to ascertain the location of the line separating the Escarpment Natural and Escarpment Rural designations in the Proposed Plan on the subject property.

EXHIBIT:

219. Map showing property owned by Goldfan Holdings Ltd., West 1/2 Lots 25 and 26, Concession 4 (Esquesing Township), Town of Halton Hills, with line indicating the division of the Escarpment Natural Area designation and the Escarpment Rural Area. F.J. Reinders and Assoc. Ltd., Brampton/St. Catharines.

RECOMMENDATION:

None.

REASONS:

The applicant is in agreement with Exhibit 219 dealing with the subject lands.

FILE NO. 300-57

SUBMISSION NO. 358

OWNER: Roman Bandi

SUMMARY OF SUBMISSION:

The submission by Mr. Bandi, a student at Lord Elgin High School in Burlington, was in support of the Proposed Plan as it affects the Regional Municipality of Halton but also expressed concern about the large portion of the Bruce Trail that is on roadways.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

COUNSEL: John R. Willms
OWNER: J. Bryan Vaughan and Dorothy Truax Vaughan
LAND: West Part Lots 28 and 29, Concession 11
Town of Halton Hills

SUMMARY OF SUBMISSION:

The subject property consists of some 139 acres and is proposed to be designated Escarpment Protection and Escarpment Natural and is located immediately north of the property in Submission 360 (John H. Aiken). The request is to change the portion designated Escarpment Protection to Escarpment Rural to permit the development of estate lots. The change requested would cover some 10 acres of the subject lands.

EXHIBITS:

- 220. Air photo (1971) showing property of J. Bryan Vaughan and Dorothy Truax Vaughan. Existing General Land Use, Scale: 1:2500, June 1981. Walker Wright Young Assoc. Ltd.
- 221. Curriculum Vitae - Ian M. Hale
- 222. A report by Ian M. Hale. Physical Terrain Evaluation, Parts of Lots 27, 28 and 29, Concession 11, Esquesing Township, Town of Halton Hills. Bird & Hale Ltd., June 1981.
- 223. Air photo (1971) with colored overlays and markings: Physical Terrain Evaluation, Part of Lots 27, 28 and 29, Esquesing Township, Town of Halton Hills. Bird & Hale Ltd. Seven attached colour photographs. Study area boundary includes Submissions 359 - 300-34 and 360 - 300-61.

Submission No. 359 continued

224. Curriculum Vitae - Miss Linda Hellas
225. A report by Linda Hellas. Biological Terrain Evaluation, Part of Lots 27, 28 and 29, Concession 11, Esquesing Township, Town of Halton Hills. Bird and Hale Ltd., June 1981.
226. Curriculum Vitae - Peter R. Walker
227. Series of 18 colored photographs keyed to Exhibit 220 - 300-34.
524. Air photo showing property of J. Bryan Vaughan and Dorothy Truax Vaughan, Part Lots 28 and 29, Concession 11, Town of Halton Hills (former Township of Esquesing) and the property of John H. Aiken, Part Lot 28, Concession 11, Town of Halton Hills, Regional Municipality of Halton.

RECOMMENDATION:

None.

REASONS:

If our recommendation concerning low density plans of subdivision being permitted in the Escarpment Protection designation is concurred with then application may be made for such development on the subject lands.

COUNSEL: John R. Willms
OWNER: John H. Aiken
LAND: West 1/2 Lot 28, Concession 11
Town of Halton Hills

SUMMARY OF SUBMISSION:

The subject property consists of some 40 acres located immediately south of the Vaughan property in Submission 359. This property is proposed to be designated Escarpment Protection. As in Submission 359, the request is to change the Escarpment Protection designation to Escarpment Rural.

EXHIBITS:

- 220. Air photo (1971) showing property of J. Bryan Vaughan and Dorothy Truax Vaughan. Existing General Land Use, Scale: 1:2500, June 1981. Walker Wright Young Assoc. Ltd.
- 221. Curriculum Vitae - Ian M. Hale
- 222. A report by Ian M. Hale. Physical Terrain Evaluation, Parts of Lot 27, 28 and 29, Concession 11, Esquesing Township, Town of Halton Hills. Bird & Hale Ltd., June 1981.
- 223. Air photo (1971) with colored overlays and markings: Physical Terrain Evaluation, Part of Lots 27, 28 and 29, Esquesing Township, Town of Halton Hills. Bird & Hale Ltd. Seven attached colored photographs. Study area boundary includes Submission 359 - 300-34 and 360 - 300-61.
- 224. Curriculum Vitae - Miss Linda Hellas
- 225. A report by Linda Hellas. Biological Terrain Evaluation,

Submission No. 360 continued

Part of Lots 27, 28 and 29, Concession 11, Esquesing Township, Town of Halton Hills. Bird and Hale Ltd., June 1981.

- 226. Curriculum Vitae - Peter R. Walker
- 227. Series of 18 colored photographs keyed to Exhibit 220 - 300-34.
- 524. Air photo showing property of J. Bryan Vaughan and Dorothy Truax Vaughan, Part Lots 28 and 29, Concession 11, Town of Halton Hills (former Township of Esquesing) and property of John H. Aiken, Part Lot 28, Concession 11, Town of Halton Hills, Regional Municipality of Halton.

RECOMMENDATION:

None.

REASONS:

If our recommendation concerning low density plans of subdivision being permitted in the Escarpment Protection designation is concurred with then application may be made for such development on the subject lands.

COUNSEL: Ronald R. Dodokin
OWNER: Mrs. Gail S. Dodokin
LAND: Part Lot 30, Concession 10
Town of Halton Hills

SUMMARY OF SUBMISSION:

The subject lands comprise some 12 acres and are designated Escarpment Natural under the Proposed Plan. The property contains a large house, a small barn and a small cabin. Application for land severances have been refused. This submission requests that the subject lands be given a site specific exemption (removal from the Proposed Plan).

EXHIBITS:

- 228. Air photo showing property of Gail S. Dodokin, Part East 1/2 Lot 30, Concession 10, Town of Halton Hills, former Township of Esquesing.
- 229. Copy of topographic map: Georgetown Sheet 30N/12e, produced by the Survey & Mapping Branch, Department of Energy Mines & Resources (1974), Scale: 1:25000, showing property of Gail S. Dodokin.

RECOMMENDATION:

None.

REASONS:

These lands in our opinion on the evidence are properly designated and should remain in the Proposed Plan.

FILE NO. 300-10

SUBMISSION NO. 362

AGENT: Ted Rosen, Chairman
Toronto Section

GROUP: Alpine Club of Canada

SUMMARY OF SUBMISSION:

This submission supports the "idea of an organization such as the Niagara Escarpment Commission to control development, and ensure the protection of the Escarpment for future public access and enjoyment".

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 300-55

SUBMISSION NO. 363

AGENT: Eric Salmond, Director

GROUP: Foundation for Aggregate Studies

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan as well as the submission made by the Regional Municipality of Halton (Submission 326).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

AGENT: Robert Leverty

GROUP: Coalition on the Niagara Escarpment (C.O.N.E.)

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and made the following comments and recommendations:

1. Supports the submission of the Regional Municipality of Halton (Submission 326).
2. Recommends that the Criteria 3 for Escarpment Natural Areas be amended to include regionally important nature areas.
3. In cases where part of an Environmentally Sensitive Area exists and which the Proposed Plan does not designate as Escarpment Natural that the designation be changed to Escarpment Natural.
4. Recommends that new aggregate extraction licences be restricted in Escarpment Natural and Escarpment Protection Areas.
5. Recommends that asphalt plants not be a permitted use in the Mineral Resource designation area.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. 300-59

SUBMISSION NO. 365

AGENT: James A. Mitchell, Chairman

GROUP: Ad Hoc Committee of Burlington Citizens

SUMMARY OF SUBMISSION:

This submission "heartily" endorses the Proposed Plan in all its aspects.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

COUNSEL: Stanley Ude11
OWNER: Mr. and Mrs. Joseph Prucyk
LAND: Part West 1/2 Lot 24, Concession 7
Part West 1/2 Lot 23, Concession 7
Part West 1/2 Lot 24, Concession 8
Town of Halton Hills

SUMMARY OF SUBMISSION:

The subject lands comprise a total of approximately 153 acres and is designated Escarpment Natural and Escarpment Protection under the Proposed Plan and have been used for the past 20 years as a picnic ground by the general public. The owners propose to construct a lodge on the property together with several indoor and outdoor recreation facilities and request that the subject lands be designated Escarpment Recreation Area in order that their plans may be realized.

EXHIBITS:

230. Map showing symbol to indicate property of Mr. and Mrs. Joseph Prucyk as it relates to a wide region of Ontario.
231. Topographic map showing property of Mr. and Mrs. Joseph Prucyk in relation to the immediate surrounding area. Scale: 1:25000.
232. Air photo showing property of Mr. and Mrs. Joseph Prucyk, Town of Halton Hills. Scale: 1 inch = 200 feet.
233. Air photo showing property of Mr. and Mrs. Joseph Prucyk, Part Lots 23 and 24, Concession 7, former Township of Esquesing, Town of Halton Hills.

234. Copy of topographic map: Georgetown Sheet 30M/12e, produced by the Surveys and Mapping Branch, Dept. of Energy Mines and Resources (1974). Scale: 1:25000, showing property of Mr. & Mrs. Joseph Prucyk.

RECOMMENDATION:

None.

REASONS:

In our opinion the evidence indicates these lands are properly designated.

FILE NO. 300-30

SUBMISSION NO. 367

COUNSEL: Robert W. Cosman and Deborah K. Bruce

OWNER: Dufferin Aggregates
(Division of Dufferin Materials and Construction Ltd.)

LAND: Lots 7 - 12, Concession 7 (former Twp. of Nassagawega)
Part of Lots 8 - 10, Concession 1
(former Township of Esquesing)

SUMMARY OF SUBMISSION:

The subject lands are covered by a "licence" and are designated Mineral Resource Area by the Proposed Plan and this submission was in support of that designation.

In addition the submission also dealt with an "Impact Assessment of a Rehabilitation Plan" for the subject lands.

EXHIBITS:

- 235. Curriculum Vitae - Alfred A. Sobanski
- 236. Air photo showing Dufferin Aggregates property and surrounding area with markings showing water basin. Also three overlays included:
 - (a) Overlay: hydrologic impact, partial excavation (Ian D. Wilson).
 - (b) Overlay: hydrologic impact, complete excavation (Marshall Macklin Monaghan).
 - (c) Overlay: showing proposed reservoir, stream course entrances, possible diversion, completed quarry, proposed outlet and diversion improvement.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

COUNSEL: Burton H. Kellock, Q.C.
OWNER: Standard Industries Ltd.
LAND: Part Lots 11, 12, 13, 14 and 15
 Concession 1, 2 and 3
 Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission made on behalf of Standard Industries Ltd. was prepared by consultants. These were Ecoplans Limited, Conestoga - Rovers and Associates Limited, W.E. Coates and Associates Ltd. and MacNaughton, Hermsen Planning Limited. The subject property known as the Speyside property consists of some 600 acres and was purchased in 1960 for the purpose of establishing a mineral aggregate extraction operation. The Proposed Plan places a portion of the lands in an Escarpment Natural designation and the remainder in Escarpment Rural. Standard wishes to have these designations remain but requests that the boundaries of each be altered. In this connection it is proposed that there is justification for the alteration of these boundaries based on the studies which are contained in the brief and were carried out by the professional consultants who were retained. The Ecoplans study covers several fields such as plant ecology, botany, fisheries, and forestry. The first study was done in 1972 but was supplemented by further studies in 1979 and 1980. It was pointed out that in the years 1979 and 1980 a total of 1,315 hours were spent on the study. The firm of Conestoga - Rovers and Associates Limited was retained to conduct a water resource evaluation of the property in October, 1979.

Ian MacNaughton, a qualified planner, first became involved with the subject site in 1972. His input into the study related to land use planning aspects of the site and working in conjunction with the other professional people involved as well as existing municipal regulations. He came to two main conclusions:

1. There is a need for a high priority mineral resource protection area designation as a matter of good planning and in response to Provincial policy; and
2. There should be no requirement for amendment to the Niagara Escarpment Proposed Plan in order to establish a mineral aggregate extraction operation in the Escarpment Rural Area, a principle endorsed by the Ministry of Natural Resources.

The request in this submission is to change the designation of a portion of the subject lands from Escarpment Natural to Escarpment Rural as shown on Tab 6 in the Standard Industries submission as filed.

EXHIBITS:

237. Niagara Escarpment Commission Proposed Plan Map 3, Regional Municipality of Halton. Additional markings placed on map by Ian MacNaughton, showing a portion of ESA 25 and a portion of CNR located outside of the Niagara Escarpment Proposed Plan along with a portion of ESA 29 (colored yellow).
238. Curriculum Vitae - Dr. Paul F. Maycock
239. Dr. Paul Maycock's field notes, dated April 22, 1981, Niagara Escarpment section of Standard Aggregate property, Speyside, Halton Region.
240. Dr. Paul Maycock's field notes (3 pages) 23S and 23N, dated June 16, 1981.
241. Dr. Paul Maycock's field notes No. 27 - unit on Standard Aggregate property, June 16, 1981.
242. Curriculum Vitae - Mr. U. Sibul
243. Air photo, part of the Region of Halton, showing Environmentally Sensitive Area. Designated (E.S.A. 29 - Speyside area and E.S.A. 25 - Hilton Falls area),

Ministry of Natural Resources licenced pit, proposed pit, public lands. Flown May 9, 1979 by Northway - Gestait Corporation. Exhibit submitted by the Halton Region Conservation Authority.

244. Curriculum Vitae - Brian R. Whitehead

245. Mineral Aggregate Transportation Study. Final report. Industrial Mineral Background Paper 1. Prepared for the Ministry of Natural Resources by Peat Marwick & Partners, M.M. Dillon Ltd., December 1980.

246. Mineral Aggregate Transportation Study. Summary. Industrial Mineral Background Paper 1 (a). Prepared for the Ministry of Natural Resources by Peat Marwick & Partners, M.M. Dillon Ltd., December 1980.

RECOMMENDATION:

That the Proposed Plan be modified by changing that portion of the Escarpment Natural designation area as shown delineated on the map under Tab 6 of the Standard Industries submission to Escarpment Rural.

REASONS:

The site specific evidence adduced by the applicant conclusively satisfied the panel that the change from Escarpment Natural to Escarpment Rural for a portion of the lands could be substantiated. It should be pointed out here that we are not recommending the approval of a mineral extraction area but rather reclassifying lands to a proper designation.

As far as the request to show this land as a high priority mineral resource protection area is concerned this matter is dealt with under our recommendations, comments and reasons in the general section of this report.

The panel is not prepared to accede to any further requests by

Standard Industries Ltd. arising from its submission.

COUNSEL: H.T. Arnold

GROUP: Halton Region Conservation Authority

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan except for certain mapping and textual revisions as follows:

In particular, the Halton Region Conservation Authority sets out the following specific recommendations for changes to the Land Use Designations on Map 3 of the Proposed Plan showing the Region of Halton filed under Halton Regional Conservation Authority Exhibit No. 247.

Land Use Designations

1. That the Escarpment Natural Area in the vicinity of Mount Nemo in Concession 4, N.S., of the City of Burlington be extended to the west to include the brow of the Niagara Escarpment to the point where it joins with the area already identified as Escarpment Natural Area, in the vicinity of Lake Medad.
2. That the Limestone Creek which is a tributary of the Twelve Mile or Bronte Creek be included in the Escarpment Natural Area. This Creek extends from the Bronte Creek south of Britannia Road to its headwaters in the Nassagaweya Canyon area north of Rattlesnake Point. Along with the Escarpment crossing Lots 1, 2 and 3, Concession 6, Nassagaweya, now Milton.
3. That the Sixteen Mile (or Oakville) Creek be included in the Escarpment Natural Area both east and west of the Kelso Reservoir.
4. That the Escarpment Natural Area include the headwaters of the Sixteen Mile (or Oakville) Creek in Lots 10 and 13,

Concession 7, Town of Milton (Nassagaweya), where it passes through land identified under the Proposed Plan for mineral resources production.

Note: The Authority believes that this area is of such critical importance to its water management program that a special study as provided for under the Niagara Escarpment Plan should be implemented as soon as possible in order to resolve the Resource Management conflicts which presently exist and to insure the protection of critical headwater streams in this area of the Niagara Escarpment.

The lands shown for acquisition in the Niagara Escarpment Plan, if acquired, will not result in manageable public areas in certain cases. The boundaries must be redefined to reflect either geographical or political boundaries which will allow for servicing, access and some public use without damage to the sensitive environment being protected.

Lands Suggested for Acquisition by the Authority:

1. Lots 11, 12, 13, Concession 3, Town of Halton Hills (Esquesing)

These lands are required in order to realize the recreational potential of the Scotch Block Reservoir owned by the Authority. At the present time, public access is restricted due to the fact that the Authority owns only those lands which are subject to flooding and in some instances, has only secured flood easements over private property.

2. Lot 10, Concession 5, Town of Milton (Nassagaweya)
50 acres of land divided into ten acre building lots must be acquired to secure the Hilton Falls Conservation Area/Regional Forest Complex.
3. Lots 7, 8 and 9, Concession 4, Town of Milton (Nassagaweya)

This land is required in order to round out the Hilton Falls Conservation Area, to protect an environmentally sensitive area, and to maintain the west branch of the Sixteen Mile Creek in its natural condition.

4. Part of Lot 1, 2 and 3, Concession 6, Town of Milton (Nassagaweya)

This land encompasses the headwaters of the Limestone Creek and is important to the Authority's water management program. In addition, this block is essential for the buffering of the Escarpment slopes at Kelso, and expansion of the Conservation Area itself.

5. Lot 1, Concession 4, Town of Milton (Nassagaweya)

The property proposed for acquisition in the Niagara Escarpment Commission's Plan should be squared off to conform with the existing acquisition pattern for the Crawford Lake Conservation Area.

6. Lot 15, Concession 3, Town of Milton (Burlington)

The Conservation Authority agrees with the acquisition of the ten acre parcel as indicated by the Commission's Plan.

7. Lot 11, 12 and 13, Concession 2, Town of Milton (Burlington)

The lands suggested for acquisition should be enlarged to create a more manageable public area which will allow for servicing and access without damage to the environmentally sensitive lands.

8. Lot 14, Concession 4, Town of Milton (Burlington)

The Authority agrees with the acquisition of these lands as indicated by the Commission's Plan.

9. Lot 12, Concession 5, Town of Milton (Burlington)

The Conservation Authority feels that the lands as shown in the Commission's Plan are insufficient to insure proper protection of the Escarpment feature in this area and

allow for greater public use. The Authority recommends that all lands north of the No. 12 Sideroad in Concession 5 be acquired in order to round out the Rattlesnake Point Conservation Area.

10. Lots 1, 2 and 3, Concession 4, N.S., and Lots 12, 13 and 14, Concession 1, N.D.S., City of Burlington
The lands identified for acquisition in the Commission's Proposed Plan are insufficient to properly protect the Escarpment brow and allow for public use at the same time. The lands the Authority would like to acquire have been identified in previous studies and their acquisition has been pursued unsuccessfully in the past.

The lands identified for acquisition by the Authority should be considered the minimum requirement, and thought should be given to acquiring additional lands in this area to service the needs of the Burlington community.

11. Lots 1 and 2, Concession 1, N.S., Lots 22, 23 and 24, Concession 2, N.D.S., City of Burlington
The Conservation Authority considers Lake Medad and the Escarpment valley to the north to be particularly sensitive from an environmental point of view. The Authority presently owns 65 acres of similar land to the south-west of Lake Medad and would like to extend its holdings to include the Lake.

The Halton Region Conservation Authority recommends that the Mineral Resource Area as shown on the Commission's Plan in Concession 6 and 7, Town of Milton (Nassagaweya), and Concession 1, Town of Halton Hills (Esquesing) be reconsidered and that the quarry areas be subject to a special study prior to final adoption of the Commission's proposals in order that any environmental conflicts may be resolved.

The Halton Region Conservation Authority recommends that the lands identified as Mineral Resource Areas under the Commission's

Plan in Lots 11, 12, and 13, Concession 4, Town of Milton (Burlington) and such surrounding lands as have been subject to quarrying in the past be the subject of a special study in order to determine the highest and best afteruse for these properties and to determine what if any, modifications should be made in the areas designated for quarrying in order to protect existing environmentally sensitive areas.

EXHIBIT:

247. Niagara Escarpment Commission Proposed Plan Map 3.
Regional Municipality of Halton, with overlay prepared by the Halton Region Conservation Authority showing the Authority's proposed acquisition.

RECOMMENDATION:

None.

REASONS:

The subject of acquisition has been dealt with elsewhere in this report.

As far as the other matters in this submission are concerned, we have attempted to deal with them elsewhere in this report.

COUNSEL: H.T. Arnold
OWNER: J.C. Duff Limited
LAND: Lot 23, Concession 5
Lot 27, Concession 7
Town of Halton Hills

SUMMARY OF SUBMISSION:

The subject lands are designated Escarpment Rural, Escarpment Protection and Escarpment Natural under the Proposed Plan and this submission did not disagree with those proposed designations. The only concern of this submission appears to be the requirement of the Proposed Plan that an amendment to the Plan would be necessary to open a gravel pit. In this connection the submission suggests that licensing procedures for pits and quarries be simplified so that all required matters including the Niagara Escarpment Proposed Plan be dealt with at one hearing.

RECOMMENDATION:

None.

REASONS:

The matter of mineral resources has been dealt with elsewhere in this report, and the licensing procedure referred to does not fall within our jurisdiction.

FILE NO. 300-27

SUBMISSION NO. 371

AGENT: Nelson Martin
OWNER: Amos C. Martin Ltd.
LAND: East 1/2 of West 1/2 Lot 23, Concession 8
Town of Halton Hills

SUMMARY OF SUBMISSION:

The subject lands designated Escarpment Rural in the Proposed Plan contain some 41 acres of which 8 acres are licensed under the *Pits and Quarries Control Act*. Mr. Martin proposes, in the future, to request a licence for 22 more acres, however, he only intends to extract under 20,000 tonnes annually.

RECOMMENDATION:

None.

REASONS:

The Proposed Plan, if approved, will permit what is sought.

AGENT: R.J.L. Zsadanyi, Planning Director

GROUP: Town of Milton

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan and points out two areas of concern to the Town of Milton:

1. "The Town's ability to be involved in the review and control of pit and quarry operations in those areas designated 'Mineral Resource'."
2. "The non inclusion of the Proposed Plan of a small parcel of land in Part Lot 10, Concession 1, formerly in the Town of Oakville."

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

COUNSEL: Malcolm Martin
OWNER: Mohawk Quarries Limited
LAND: Included In Summary Below

SUMMARY OF SUBMISSION:

Mohawk Quarries Limited and San Diego Corporation are wholly owned subsidiaries of Fermar Paving Limited. San Diego owns approximately 44 acres on the east side of the Guelph Line just north of Highway 401 and immediately adjacent to Regional Road 9. Mohawk owns approximately 122 acres immediately to the east of the San Diego lands and Mohawk also owns two operating pits located to the south of the 122 acre site and immediately adjacent to Regional Road 9.

The subject lands are proposed to be designated Escarpment Natural, Escarpment Protection and Escarpment Rural and the property is also shown as a High Priority Mineral Resource Protection Area in Exhibit 100 (Submission G 700 NEC) as filed in these proceedings. This submission made the following recommendations:

- (a) That the submissions made by the Aggregate Producers Association of Ontario and more particularly the "Addendum" thereto be adopted in their entirety;
- (b) That the within property be deemed "areas which are in the process of being licensed" and designated as a mineral resource extractive area;
- (c) In the alternative, that the within property be omitted from the Niagara Escarpment Commission's jurisdiction.
- (d) In the further alternative, that the proposed designations as shown on Map 2 be altered and the property be designated as mineral resource

protection area in accordance with the "Addendum" to the A.P.A.O. submission.

EXHIBITS:

- 508. Niagara Escarpment Commission Proposed Plan Map 3. Regional Municipality of Halton, with additional markings by Malcolm Martin regarding Mohawk Quarries Limited property.
- 509. Curriculum Vitae - Dr. A.G. McLellan
- 510. Air photo showing property of Mohawk Quarries Limited and Campbellville Gravel Supply Limited, Lot 8, Concession 4, Town of Milton (former Township of Nassagaweya), Regional Municipality of Halton.
- 522. Topographic Analysis, Hilton Falls Complex, prepared by the Halton Region Conservation Authority.
- 523. Topographic analysis, Hilton Falls Complex, Halton Region Conservation Authority. Additional markings by Dr. A.G. McLellan to show a line at a 300 metre distance from the scarp, the line crossing a corner of the Mohawk Quarries subject property.

RECOMMENDATION:

None.

REASONS:

We are of the opinion, on the basis of the evidence, that the subject lands are properly designated and should remain within the Proposed Plan. As far as the general matters of this submission are concerned they are dealt with elsewhere in this report.

AGENT: Mrs. Pamela Sheldon

GROUP: Speyside Area Ratepayers Association

SUMMARY OF SUBMISSION:

The brief for the above Association was presented by Mrs. Sheldon, a resident in the Speyside area for the past twelve years. It is in support of the Proposed Plan and the agent for the Association called several witnesses in support of her position. The main concern of the Association was the fear of mineral extraction being carried out in the future on the lands of Consolidated Sand and Gravel said to be parts of Lots 11 and 12, Concession 1 and part of Lot 12, and all of Lots 13 and 14, Concession 2, in the former Township of Esquesing, Town of Halton Hills. The Association opposes any change in land use designations as put forward by the company.

The submission deals at length with Bill 129 which provides for the preparation of the Proposed Plan and it was sought to show that any serious deviations from the provisions of the Proposed Plan would be tantamount to interference with the *Niagara Escarpment Planning and Development Act* itself and constitute a legislative change. Agreement is stated with the present development control process and its continuation and also in general the criteria supporting the various designations with slight exception. Endorsement is given to the Regional Municipality of Halton's brief (Submission 326) regarding aggregates and stresses the strict control of pits even if the removal of aggregate is under 20,000 tonnes annually.

EXHIBITS:

511. Map of Town of Halton Hills (Esquesing Rural Area) with additional red markings indicating properties of members of the Speyside Area Ratepayers

Association and markings indicating the property of Standard Aggregates Ltd.

512. Niagara Escarpment Commission Proposed Plan Map 3, Regional Municipality of Halton. Additional markings placed on map by the Speyside Area Ratepayers Association indicating the property of Standard Aggregates Limited.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-71

SUBMISSION NO. 610

OWNER: Ken Bilton

LAND: Lot 12, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

In support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-72

SUBMISSION NO. 611

OWNER: Mrs. Marjorie Bilton
LAND: Lot 12, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

In support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-76

SUBMISSION NO. 612

OWNER: Martin J. McDone11

LAND: Lot 12, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

In support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-73

SUBMISSION NO. 613

OWNER: Frances M. McDone11
LAND: Lot 12, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

In support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-60

SUBMISSION NO. 614

OWNER: Mrs. Jean Falls

LAND: Part Lot 15, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission expresses wholehearted support for the Proposed Plan in general and in particular the Halton Region area.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Jack D. Pemberton
LAND: Lot 16, Concession 4 and 5
Town of Halton Hills

SUMMARY OF SUBMISSION:

Although this submission is in support of the Proposed Plan it submits that the Plan is weak in many respects and cited the following among others:

1. Transportation and Utilities should be removed as a permitted use in the Escarpment Natural designation.
2. Wayside Pits as a permitted use should be deleted.
3. Aggregate extraction should be removed as a permitted use in the Escarpment Rural designation.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. S 300-69

SUBMISSION NO. 616

OWNER: Mrs. J. Reed

LAND: Part Lot 10, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan with particular reference to the preservation of forested areas and wetlands all along the Escarpment. It was also concerned with the request of Standard Industries Ltd. to have their property changed to Escarpment Rural.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-77

SUBMISSION NO. 617

OWNER: Earle Harrison

LAND: Part Lot 15, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and does not want any major changes to the Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-78

SUBMISSION NO. 618

AGENT: Mrs. Pamela Sheldon
OWNER: Mrs. Deborah Boycott
LAND: Part Lot 17, Concession 1
Town of Halton Hills

SUMMARY OF SUBMISSION:

In support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-79

SUBMISSION NO. 619

AGENT: Mrs. Pamela Sheldon
OWNER: Mr. and Mrs. R.C. McMeeken
LAND: Part Lot 16, Concession 1
Town of Halton Hills

SUMMARY OF SUBMISSION:

Although the subject property is not within the Proposed Plan boundaries this submission is in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-117

SUBMISSION NO. 620

AGENT: Mrs. Pamela Sheldon
OWNER: Carlo T. Toccalino
LAND: Lot 12, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-117

SUBMISSION NO. 621

AGENT: Mrs. Pamela Sheldon
OWNER: Carlo F. Toccalino
LAND: Lot 12, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-118

SUBMISSION NO. 622

AGENT: Mrs. Pamela Sheldon
OWNER: Louis Toccalino
LAND: Part Lot 13, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-119

SUBMISSION NO. 623

AGENT: Mrs. Pamela Sheldon
OWNER: Michael Toccalino
LAND: Part Lot 12, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-123

SUBMISSION NO. 624

AGENT: Mrs. Pamela Sheldon
OWNER: Mrs. Jeanette Toccalino
LAND: Part Lot 12, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Stanko Barac
LAND: Lot 15, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan's Escarpment Natural designation on the subject property and in the immediate area and opposed to any changes in the Speyside Area particularly in Standard Industries Ltd.'s property.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-80

SUBMISSION NO. 626

AGENT: Stanko Barac
OWNER: Mrs. Mirka Barac
LAND: Lot 15, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan's Escarpment Natural designation on the subject property and in the immediate area and opposed to any changes in the Speyside Area particularly in Standard Industries Ltd.'s property.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-82

SUBMISSION NO. 627

AGENT: Kenneth Wood
OWNER: Mr. and Mrs. Barry Spaldin
LAND: Part Lot 15, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan and does not want any major changes in the Speyside Area in particular.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-84

SUBMISSION NO. 628

AGENT: Fred Van Sickle
OWNER: Mrs. Barbara Van Sickle
LAND: Part Lot 12, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is an endorsement of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-85

SUBMISSION NO. 629

OWNER: Fred Van Sickle

LAND: Part Lot 12, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is an endorsement of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-87

SUBMISSION NO. 630

OWNER: Douglas J.T. Falls

LAND: Part Lot 15, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan in general and especially as it pertains to the Speyside Area. It is also opposed to the submission of Standard Industries Ltd. (Submission 368).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Kenneth Wood

LAND: Part Lot 15, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and particularly the designations proposed for the Speyside Area.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-89

SUBMISSION NO. 632

AGENT: Kenneth Wood
OWNER: Mrs. Janet Wood
LAND: Part Lot 15, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and particularly the designations proposed for the Speyside Area.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-90

SUBMISSION NO. 633

OWNER: Miss Gloria Walton
LAND: Part Lot 15, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and opposed to the submission of Standard Industries Ltd. (Submission 368).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-91

SUBMISSION NO. 634

OWNER: Andrew Walton

LAND: Part Lot 15, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and opposed to the submission of Standard Industries Ltd. (Submission 368).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-92

SUBMISSION NO. 635

OWNER: Mrs. Barbara Walton
LAND: Part Lot 15, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and opposed to the submission of Standard Industries Ltd. (Submission 368).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-93

SUBMISSION NO. 636

OWNER: David Walton

LAND: Part Lot 15, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and opposed to the submission of Standard Industries Ltd. (Submission 368).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-94

SUBMISSION NO. 637

OWNER: James B. Kenzie

LAND: Part Lot 16, Concession 1
Town of Halton Hills

SUMMARY OF SUBMISSION:

Although the subject property is not within the boundaries of the Proposed Plan it is in full support of the Proposed Plan and the brief submitted by the Speyside Area Ratepayers Association (Submission 609).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-95

SUBMISSION NO. 638

AGENT: Mrs. Jean Falls
OWNER: J.A. Swan
LAND: Part Lot 13, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan, especially the Regional Municipality of Halton (Submission 326) and the Speyside Area in particular. It is also opposed to the request of Standard Industries Ltd. (Submission 368).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO.: S 300-96

SUBMISSION NO. 639

AGENT: Mrs. Jean Falls
OWNER: Mrs. Lois M. Swan
LAND: Part Lot 13, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan especially the Regional Municipality of Halton (Submission 326) and the Speyside Area in particular. It is also opposed to the request of Standard Industries Ltd. (Submission 368).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-97

SUBMISSION NO. 640

OWNER: A.J. Toccalino

LAND: Part Lot 12, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in full support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-98

SUBMISSION NO. 641

AGENT: Mrs. Marianne Bronder
OWNER: Guido De Rycke
LAND: Part Lot 12, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-100

SUBMISSION NO. 642

OWNER: Mrs. Marianne Bronder

LAND: Part Lot 12, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in full support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-99

SUBMISSION NO. 643

OWNER: Mrs. Kearen Toccalino

LAND: Part Lot 12, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-101

SUBMISSION NO. 644

OWNER: Mrs. V. Chornook
LAND: Part Lot 16, Concession 1
Town of Halton Hills

SUMMARY OF SUBMISSION:

Although the subject property is not in the Proposed Plan area this submission is opposed to any change in the existing Proposed Plan designations abutting her property.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-104

SUBMISSION NO. 645

OWNER: Mrs. Pamela Sheldon

LAND: Part Lot 16, Concession 1
Town of Halton Hills

SUMMARY OF SUBMISSION:

Although the subject property is not included within the boundaries of the Proposed Plan this submission supports the Proposed Plan and further submits that wayside pits should not be a permitted use in Escarpment Rural and Escarpment Protection Areas.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

In our recommendations, comments and reasons in the general section of this report, the matter of wayside pits is dealt with.

FILE NO. S 300-105

SUBMISSION NO. 646

OWNER: Mr. and Mrs. D.W. Fairles

LAND: Part Lot 15, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan and strongly opposed to any major changes.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-106

SUBMISSION NO. 647

AGENT: Boris Mokrytzki

OWNER: Steve Mokrytzki

LAND: Part Lot 16, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-107

SUBMISSION NO. 648

OWNER: Boris Mokrytzki
LAND: Part Lot 16, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-108

SUBMISSION NO. 649

OWNER: Mrs. Vera V. Mokrytzki

LAND: Part Lot 16, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan and opposed to the request of Standard Industries Ltd. (Submission 368).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-109

SUBMISSION NO. 650

AGENT: Boris Mokrytzki
OWNER: Mrs. Laura Bayly
LAND: Part Lot 16, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-110

SUBMISSION NO. 651

AGENT: Mrs. Vera Mokrytzki

OWNER: Mr. and Mrs. Phil Diamond

LAND: Part Lot 13, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-126

SUBMISSION NO. 652

AGENT: Mrs. Vera Mokrytzki
OWNER: Mr. and Mrs. L. Biasuitti
LAND: Part Lot 17, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-62

SUBMISSION NO. 653
(Written Only)

OWNER: Rice and McHarg Limited

LAND: Part of E 1/2 and W 1/2 Lot 21, Concession 5
Town of Halton Hills

SUMMARY OF SUBMISSION:

The subject property, comprising 24 acres, is proposed to be designated Mineral Resource in the Proposed Plan and in addition this company has the right to quarry sandstone on lands to the south and east of the subject property comprising some 75 acres. The company suggested that the Plan be amended as follows:

1. To make specific reference to "limited expansion of the few small sandstone quarries" be made under each of the Escarpment Rural, Escarpment Protection and Escarpment Natural Areas designations;
2. That the word "small" be deleted from Section 2.8, paragraph 4.

The Niagara Escarpment Commission staff agreed at the hearing with recommendation No. 1 above, but not with No. 2.

RECOMMENDATION:

That the Proposed Plan be modified to incorporate recommendation No. 1 above.

REASONS:

The Niagara Escarpment Commission staff agreed with this change at the hearing.

FILE NO. S 300-112

SUBMISSION NO. 658

OWNER: Derek Smith

LAND: Part Lot 13, Concession 1
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-111

SUBMISSION NO. 659

AGENT: Martin Lustig

OWNER: Pam Smith

LAND: Part Lot 13, Concession 1
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan and the Speyside Area Ratepayers Association's submission (Submission 609).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-113

SUBMISSION NO. 660

OWNER: Dr. and Mrs. Dennis Medland

LAND: Part Lot 13, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Escarpment Natural designation for the subject property and surrounding area.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-114

SUBMISSION NO. 661

AGENT: Mrs. Judith Reed

OWNER: John Devries

LAND: Part Lot 15, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan and in particular its application to the subject property.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-115

SUBMISSION NO. 662

AGENT: Mrs. Judith Reed
OWNER: Mrs. Mildred Devries
LAND: Part Lot 15, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan and in particular its application to the subject property.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-121

SUBMISSION NO. 663

OWNER: Laurie E. Reed

LAND: Part Lot 10, Concession 2
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan generally and particularly to the Halton Hills area and is opposed to the request of Standard Industries Ltd. (Submission 368).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-125

SUBMISSION NO. 664

AGENT: Mrs. Judith Reed
OWNER: W.B. Elsley
LAND: Part Lot 11, Concession 3
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan and opposed to the request of Standard Industries Ltd. (Submission 368).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-26

SUBMISSION NO. 665

OWNER: David Casson

LAND: Part Lot 14, Concession 7
Town of Halton Hills

SUMMARY OF SUBMISSION:

Although the subject property is not within the area covered by the Proposed Plan this submission supports the Plan and requests that no changes in designation be recommended in the Regional Municipality of Halton.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. S 300-29

SUBMISSION NO. 666

AGENT: Ron Baylis, President

GROUP: Toronto Bruce Trail Club

SUMMARY OF SUBMISSION:

This submission strongly endorses the Proposed Plan and suggests that it is essential to maintain a continuous hiking trail.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: A. McFee

LAND: Part Lot 26, Concession 5
Town of Halton Hills

SUMMARY OF SUBMISSION:

This submission was generally in support of the Proposed Plan but wishes to have the number of wayside pits restricted. The owner was specifically concerned that the farm to the south, purchased by Bot Construction will become a wayside pit.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

AGENT: Steve Varga, Director

GROUP: Toronto Field Naturalists

SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan but sets out the following concerns:

1. The Mineral Resource Area designation for the site northeast of the intersection of Regional Roads 30 and 9, Town of Milton, Lot 7, Concession 9, 10 and 11 and the Town of Halton Hills, Lot 1, Concession 10.
2. The western portion of the Mineral Resources Areas to the west of Regional Road 30, Town of Milton, Lot 6 (western portion), Concessions 7 and 8. Both sites occur on lands noted by the Ministry of Natural Resources as Candidate Nature Reserves. While we understand that these areas are licensed for mineral extraction, the portions not yet quarried should be designated Escarpment Natural Areas and considered high priority areas for park acquisition.

It also objects to the change proposed by Standard Industries Ltd. (Submission 368).

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: T.C. Foster

LAND: Part E 1/2 Lot 4, Concession 2 N.S.
City of Burlington

SUMMARY OF SUBMISSION:

This submission requests that the entire farm should be designated Escarpment Rural rather than Escarpment Protection and Escarpment Rural.

EXHIBITS:

513. Niagara Escarpment Commission Preliminary Proposals map showing Regional Municipality of Halton with additional markings by Tom C. Foster indicating his property.

514. Air photo showing property of Tom C. Foster, East 1/2 Lot 4, Concession 2 N.S., City of Burlington, Regional Municipality of Halton.

RECOMMENDATION:

That the Proposed Plan be modified to change the designation on the whole of this property to Escarpment Rural.

REASONS:

On the basis of the evidence adduced we believe that Escarpment Rural is the proper designation for this property.

FILE NO. S 300-63

SUBMISSION NO. 671

AGENT: Hamish Harrison

OWNERS: Verrico, Capibianco and Casala

SUMMARY OF SUBMISSION:

The subject property is not included in the Proposed Plan and since the request was that it be deleted from the Proposed Plan nothing further is required.

AGENT: Hamish Harrison
OWNERS: Di Pasquale, Zaratto and Papais
LAND: Part Lot 11, Concession 1
Town of Milton

SUMMARY OF SUBMISSION:

The subject lands are proposed to be designated Escarpment Rural and this submission requests that the lands be removed from the Plan.

EXHIBIT:

515. Air photo showing properties of Di Pasquale, Zaratto and Papais, Part Lot 11, Concession 1, Town of Milton; Middlebrook and Esson, Part Lot 12, Concession 1, Town of Milton; Loach and Lean, Part Lot 13, Concession 1, Town of Milton; all within the Regional Municipality of Halton.

RECOMMENDATION:

The Plan be modified by the deletion of the subject lands.

REASONS:

We are of the opinion, on the basis of the evidence adduced that the deletion of these lands will not interfere with the objectives of the Proposed Plan or the *Niagara Escarpment Planning and Development Act*.

FILE NO. S 300-65

SUBMISSION NO. 673

AGENT: Hamish Harrison
OWNER: Gerald O. Loach and R. Lean
LAND: Part Lot 13, Concession 1
Town of Milton

SUMMARY OF SUBMISSION:

The subject lands are proposed to be designated Escarpment Rural and this submission requests that the lands be removed from the Plan.

EXHIBIT:

515. Air photo showing properties of Di Pasquale, Zaratto and Papais, Part Lot 11, Concession 1, Town of Milton; Middlebrook and Esson, Part Lot 12, Concession 1, Town of Milton; Loach and Lean, Part Lot 13, Concession 1, Town of Milton, all within the Regional Municipality of Halton.

RECOMMENDATION:

The Plan be modified by deletion of the subject lands.

REASONS:

We are of the opinion, on the basis of the evidence adduced that the deletion of these lands will not interfere with the objectives of the Proposed Plan or the *Niagara Escarpment Planning and Development Act*.

FILE NO. S 300-66

SUBMISSION NO. 674

AGENT: Hamish Harrison

OWNERS: Mabel and Charles Esson
Edgar and Neil Middlebrook

LAND: Part Lot 12, Concession 1
Town of Milton

SUMMARY OF SUBMISSION:

The subject lands are proposed to be designated Escarpment Rural and this submission requests that the lands be removed from the Plan.

EXHIBIT:

515. Air photo showing properties of Di Pasquale, Zaratto and Papais, Part Lot 11, Concession 1, Town of Milton; Middlebrook and Esson, Part Lot 12, Concession 1, Town of Milton; Loach and Lean, Part Lot 13, Concession 1, Town of Milton; all within the Regional Municipality of Halton.

RECOMMENDATION:

The Plan be modified by the deletion of the subject lands.

REASONS:

We are of the opinion, on the basis of the evidence adduced that the deletion of these lands will not interfere with the objectives of the Proposed Plan or the *Niagara Escarpment Planning and Development Act*.

COUNSEL: Herman Turkstra
OWNER: Ronald and Jeanne Shepherd
LAND: Lot 24, Concession 2 N.D.S.
City of Burlington

SUMMARY OF SUBMISSION:

The subject property comprises some 100 acres and has 64 overnight camping spaces together with a swimming pool and other facilities including a picnic pavilion. The site is proposed to be designated Escarpment Natural, Escarpment Protection and Escarpment Rural. The submission requests that the portion designated Escarpment Protection be changed to Escarpment Rural or that the Plan be amended to provide for campgrounds as a permitted use with the Escarpment Protection Areas subject to proper site evaluation studies. The purpose of this request is to render it possible to make an application to expand the campground into the area proposed to be designated Escarpment Protection.

EXHIBITS:

- 516. Curriculum Vitae - Clare Riepma
- 517. Air photo of the Ronald and Jeanne Shepherd property, City of Burlington, accompanied by a photograph of the subject property.
- 518. A series of four photographs, property of Ronald and Jeanne Shepherd, City of Burlington:
 - (a) photo of swimming pool
 - (b) photo of pavilion
 - (c) photo of overnight camp use
 - (d) photo of forest growth in area
- 519. Air photo showing property of Ronald and Jeanne Shepherd, Lot 24, Concession 2 N.D.S., City of

Burlington, Regional Municipality of Halton.

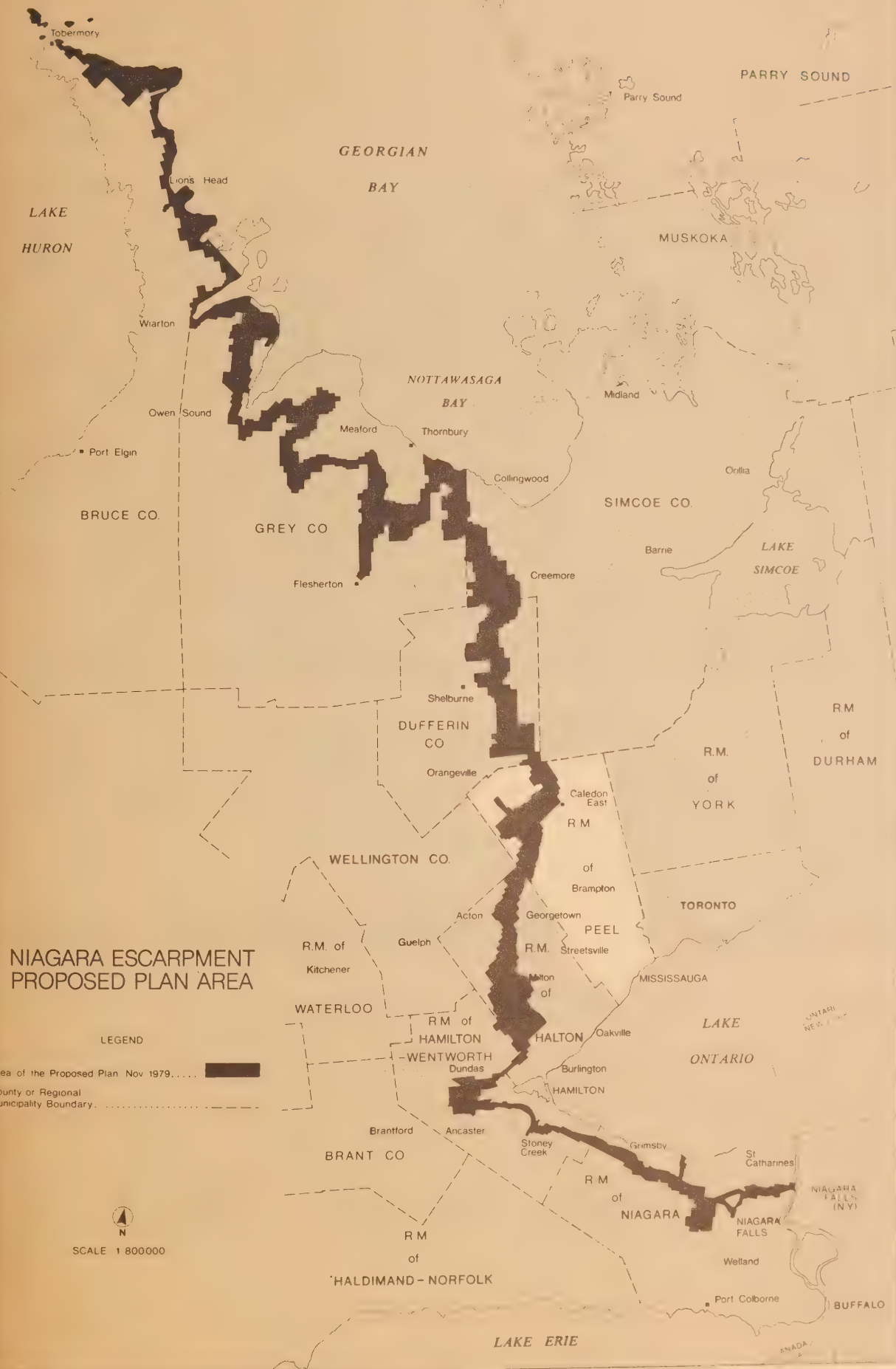
520. Certified true copy of the City of Burlington comments regarding the Proposed Plan for the Niagara Escarpment. City of Burlington, February 14, 1980.

RECOMMENDATION:

None.

REASONS:

We are of the opinion that based on the evidence these lands are properly designated.



PHASE II HEARING

THE

REGIONAL MUNICIPALITY OF PEEL



Niagara Escarpment Proposed Plan Hearing

Ontario

A. L. McCrae, Chief Hearing Officer
W. T. Shrives, Hearing Officer
M. D. Henderson, Hearing Officer

Walter W. Gowing
Administrator

INDEX

LIST OF SUBMISSIONS

PHASE II

REGIONAL MUNICIPALITY OF PEEL

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Alexander, John	400-8	237	1003
Association of Peel People Evaluating Agricultural Land	400-6	246	1012
Booth, Mrs. Norma E. L.	400-5	243	1009
Caledon Hills Bruce Trail Club	400-11	241	1007
Caledon Ratepayers' Association Inc.	400-19	238	1004
Caledon, Town of	400-24	228	989
Coalition on the Niagara Escarpment	400-7	248	1014
Credit Valley Conservation Authority	400-13	242	1008
Fockler, K.H.	400-10	235	1000
Foundation for Aggregate Studies	S 400-25	697	1017

<u>Name</u>	<u>File Number</u>	<u>Submission Number</u>	<u>Page Number</u>
Georgian Group	400-4	231	994
Halton Field Naturalists	400-3	245	1011
Harris, Mr. George	400-25	247	1013
Highfields Farm Limited	400-17	240	1006
Lawson, Mrs. Mary	400-15	230	993
Lyons, James	400-9	233	997
Metropolitan Toronto and Region Conservation Authority	400-1	236	1001
Ontario Trail Riders Association	400-21	232	996
Peel, Regional Municipality of	400-22	229	991
Regan-Graham Limited	S 400-26	696	1016
Smith, Clifford R.J.	400-23	249	1015
Stewart, Helen	400-2	239	1005
Terra Cotta Gardens Ltd.	400-18	244	1010
Twaites, W.O.	400-12	234	998

PHASE II

GENERAL STATEMENT

REGIONAL MUNICIPALITY OF PEEL

The *Niagara Escarpment Planning and Development Act* in Section 10 (6) requires that "separate reports shall be submitted for each part of the Niagara Escarpment Planning Area for which a hearing or hearings was held".

In accordance with this requirement the report for the part of the Niagara Escarpment Planning Area within the Region of Peel for which a hearing was held at Caledon East together with a portion of the supplementary hearing held in Orangeville consists of the summaries of each of the individual submissions.

The submissions for this section are numbered 228 to 249 inclusive and 696 and 697.

The report for this part of the Planning Area must be read in conjunction with the general section of this report.

Recommendations are contained in the following submissions for this section: 228 and 229.

PHASE II

REGIONAL MUNICIPALITY OF PEEL

SUMMARY

OF

SUBMISSIONS, RECOMMENDATIONS AND REASONS

COUNSEL: David Ostler

GROUP: Town of Caledon

SUMMARY OF SUBMISSION:

The submission is generally in agreement with the preservation of the Niagara Escarpment although there are some areas of disagreement with the Commission's Proposed Plan. Caledon's presentation expresses in great detail the municipal position and sums it all up in conclusion. Probably the major thrust was the proposal that three areas shown on the map presented by the Regional Municipality of Peel (Exhibit 148) should be deleted from the Plan as being superfluous to the protection of the Escarpment. It was also contended that the more restrictive policies of the Town's official plan re mineral resources should prevail over those of the Proposed Plan although the areas designated as extractive industrial in the official plan and the policies relating thereto have been referred to the Ontario Municipal Board for disposition. In addition the following changes are proposed.

- . The provisions of the Proposed Plan concerning the maximum number of new lots that may be created by severances in the Escarpment Natural, Escarpment Protection and Escarpment Rural Areas should be replaced with policies that have the effect of permitting as many severances as may be compatible with the maintenance of the Niagara Escarpment as a continuous natural environment.
- . Estate residential plans of subdivision should be permitted in the Escarpment Protection Areas provided that such plans of subdivision are able to meet rigorous environmental application requirements.
- . The system of land use control should be based on

zoning supported by site plan control.

- . The implementation and administration of the land use control system should be delegated to local municipalities.
- . The Ministry of Housing should be responsible for processing amendments to the Niagara Escarpment Plan.
- . Public Works exempt from the provisions of the *Environmental Assessment Act* should not be subject to a costly and time-consuming approval process.
- . Cataract should be designated as a Minor Urban Centre.
- . Minor Urban Centres should be allowed to encroach on the Escarpment Protection Areas where it is determined that it is the most logical direction for expansion.

RECOMMENDATION:

We concur with the request by the Town of Caledon (which has been supported by the Regional Municipality of Peel) for inclusion of Cataract as a Minor Urban Centre and the Proposed Plan be modified accordingly.

REASONS:

Cataract in our opinion meets all the criteria set out in the Proposed Plan for inclusion, and the balance of the submission was generally in support of the Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

Further, the areas requested for deletion are dealt with in Submission 229 (Regional Municipality of Peel).

FILE NO. 400-22

SUBMISSION NO. 229

COUNSEL: David Ostler

GROUP: Regional Municipality of Peel

SUMMARY OF SUBMISSION:

The major proposal in this submission is to ensure the deletion of three areas of the Proposed Plan which are shown and designated on Exhibit 148. These are the self same lands that the Town of Caledon also wants removed. Public meetings held in Caledon have supported this intent. Like the Town, the Region's planners believe that the objectives of the Proposed Plan will not be affected by their removal. Basically the Region of Peel supports the intent of the Proposed Plan as being sound although many of the things the Niagara Escarpment Commission seeks to regulate in the three areas is being effectively safeguarded by other governmental agencies. The Region differs from the Niagara Escarpment Commission in the definition of the Escarpment and that difference recognizes what one can see above ground and not what is buried. This was referred to as a perceptive difference.

In addition it is proposed that the "Plan" recognize Peel Region and the Town of Caledon's more generous severance policy of three per 100 acre township lot and that the settlement area of Cataract be redesignated as Minor Urban Centre. Regional and area municipalities should be requested by the Niagara Escarpment Commission to comment on guidelines for Park Master Plans prior to their adoption.

Zoning by-laws of a special nature should supplant the present development control system with the delegation of administration to the municipalities. Residential subdivisions should be permitted in the Escarpment Protection Areas as well as Escarpment Rural Areas, although it is agreed environmental safeguards should be provided.

EXHIBITS:

148. Niagara Escarpment Commission Proposed Plan, part of base Map No. 4: Regional Municipality of Peel, now illustrating three areas recommended by the Region of Peel for deletion from the Proposed Plan.
149. Metropolitan Toronto Region Conservation Authority: Watershed Plan (Map), May 1980.
150. Map. The Regional Municipality of Peel, indicating the area of the Niagara Escarpment Proposed Plan. Ministry of Transportation and Communications' base map updated to 1979.

RECOMMENDATION:

That areas 1, 2 and 3 as shown on Exhibit 148 in these proceedings be deleted from the Proposed Plan.

REASONS:

On the basis of the evidence adduced we are of the opinion the deletion of these three areas will not affect the objectives of the Proposed Plan or the *Niagara Escarpment Planning and Development Act*. These areas form part of the buried scarp which we have recommended elsewhere in this report should be treated differently. As far as the other issues raised by the Region are concerned, we have attempted to answer these problems elsewhere in this report.

FILE NO. 400-15

SUBMISSION NO. 230

COUNSEL: M.J. McQuaid, Q.C.

OWNER: Mrs. Mary Lawson

LAND: Part E 1/2 Lot 14, Concession 14
Town of Caledon

SUMMARY OF SUBMISSION:

Mr. McQuaid pointed out that his client has an approved plan of subdivision for forty lots in the Hamlet of Cataract. This came as a result of an application for a forty-six lot plan of subdivision. There was a subsequent hearing before the Ontario Municipal Board which approved the plan of subdivision but the decision was appealed by the Town of Caledon and the Niagara Escarpment Commission to Cabinet. In a decision dated April 18, 1980 the Cabinet approved the decision of the Ontario Municipal Board but reduced the size of the plan of subdivision to forty lots. Mr. McQuaid requested the hearing officers to designate his client's lands as a Minor Urban Centre and an Escarpment Rural Area in order that the development can proceed.

RECOMMENDATION:

None.

REASONS:

See Recommendation in Submission 228 (Town of Caledon) wherein Cataract was recommended to be a Minor Urban Centre. As far as the request for redesignation to Escarpment Rural is concerned, this will not be necessary if our recommendation to allow low density subdivisions in the Escarpment Protection designation is approved.

COUNSEL: Ms. Roslyn Houser

OWNER: The Georgian Group

LAND: Part of Lots 9 and 10, Concession 3 E.H.S.
Town of Caledon

SUMMARY OF SUBMISSION:

This subject parcel of land consists of approximately 195 acres which is designated in the Town of Caledon as an Escarpment Rural Area and would permit estate development on large lots with an average lot size of fifteen acres. The owner proposes to develop the land into nine lots varying in size from thirteen acres to eighteen acres. The development would provide, however, for a very large open space area of sixty-nine acres. The Proposed Plan would place the subject land in an Escarpment Protection Area and would not permit the plan of subdivision. Ms. Houser requested that the land designation be left in the proposed Escarpment Protection Area but that the uses be expanded to allow such a development accompanied by detailed environmental studies. In support of the proposition, Ms. Houser called two qualified witnesses, one a planner and the other an ecologist. It was the opinion of both of these witnesses that such a development would not have any adverse impact on the protection of the Niagara Escarpment.

EXHIBITS:

151. Curriculum Vitae - Diana R. Macri
152. Air photo of 195 acre property in the Town of Caledon of the Georgian Building Corporation, with overlay of development concept.
153. Curriculum Vitae - Dennis G. Stevens
154. Niagara Escarpment Commission paper and maps

Submission No. 231 continued

dated February 23, 1981 relating to File No. 400-4:
The Georgian Group, re Lots 9 and 10, Concession 3
E.H.S., Town of Caledon.

RECOMMENDATION:

None.

REASONS:

If our recommendations to permit low density subdivisions in the Escarpment Protection Areas is concurred with the request of this owner is fully met.

AGENT: Jim Angus, Area Director

GROUP: Ontario Trail Riders Association

SUMMARY OF SUBMISSION:

This submission is in support of equestrian trails. The Area Director for the Association provided Exhibit 155, a map which shows the location of some of these trails. The speaker sees within the Proposed Plan the possibility of a trail running its whole length. Part of the proposed route for a trail as shown on the exhibit involves an abandoned Canadian National Railway right-of-way that the Ontario Trail Riders Association would like to utilize.

EXHIBIT:

155. Town of Caledon map, revised July 3, 1974, used as a base map to indicate Niagara Escarpment Proposed Plan boundaries, existing and proposed equestrian trails.

RECOMMENDATION:

None.

REASONS:

The selection of trail location does not fall within our jurisdiction.

FILE NO. 400-9

SUBMISSION NO. 233

OWNER: James Lyons

LAND: Lot 30, Concession 4 W.H.S.
Town of Caledon

SUMMARY OF SUBMISSION:

This was an oral presentation and was in support of the Town of Caledon's submission (No. 228). Mr. Lyons requested that part of his lands be recognized for future residential development. He also questioned the number of agencies that have to be dealt with in obtaining development approvals.

RECOMMENDATION:

None.

REASONS:

These lands are included in one of the areas recommended for deletion in Submission 229 (Regional Municipality of Peel).

OWNER: W.O. Twaites

LAND: E 1/2 Lots 31 and 32, Concession 5 W.H.S.
Town of Caledon

SUMMARY OF SUBMISSION:

This submission is in opposition to the Proposed Plan which classifies these lands Escarpment Protection and Escarpment Natural Areas. It alleges that it constitutes multiple jurisdiction, inequitable and conflicting interpretation, inability to carry out personal or property planning, and indeed amounts to virtual confiscation without expropriation.

This owner possesses 200 acres as above described which drape over the Escarpment on three levels and varies greatly in character and topography. Considerable monies have been expended in property improvements involving extensive conservation practices since acquisition in 1962. These included reforestation and even the reclamation of an abandoned quarry. When the property was acquired the severance policies were more generous than would be the case under the Proposed Plan. A consultant's report on the optimum use of this property provided several alternatives, the most practical the owner believes, being a limited residential country estate development on those lands capable of development.

The control of the Niagara Escarpment, its maintenance and land use regulations should be returned to the municipalities who are better equipped and more accessible to interpret equitably individual proposals. Exclusion from the Plan is sought.

EXHIBIT:

156. Air photo showing property of W.O. Twaites, East Half of Lots 31 and 32, Concession 5 W.H.S., Town of Caledon, Regional Municipality of Peel.

RECOMMENDATION:

None.

REASONS:

On the basis of the evidence we are of the opinion that these lands are properly included within the Proposed Plan, and if our recommendation to allow low density subdivisions in the Escarpment Protection Areas is approved the request of this owner will be partially met.

OWNER: K.H. Fockler

LAND: W 1/2 Lot 11, Concession 4 E.H.S.
Town of Caledon

SUMMARY OF SUBMISSION:

Mr. Fockler is basically satisfied with the designation proposed in the Plan but would prefer the Escarpment Protection designation and would like it extended over all property on the north side of the 10th Sideroad. It was explained to Mr. Fockler that he could speak with respect to his own lands but could not suggest changes to the neighbouring properties without proper notice being given to those owners.

EXHIBIT:

157. Air photo showing property of K.H. Fockler,
West Half Lot 11, Concession 4 E.H.S., Town of
Caledon, Regional Municipality of Peel.

RECOMMENDATION:

None.

REASONS:

We are of the opinion that this property is properly designated.

FILE NO. 400-1

SUBMISSION NO. 236

AGENT: Emil Kolb, Chairman, Conservation Land Advisory Board
GROUP: Metropolitan Toronto and Region Conservation Authority

SUMMARY OF SUBMISSION:

This submission was in general support of the Proposed Plan and made the following recommendations:

1. That the Humber Forest property be deleted from the proposed Niagara Escarpment Park System and that the designation Public Land (not in Park System) be substituted or that provision be made to assure the continuation of forestry use on this property beyond the period of the existing agreement.
2. That the Authority support the inclusion of its lands within the Bruce Trail system and that the use of these lands will be subject to regulations made by the Authority under *The Conservation Authorities Act* and posted on Authority property as well as policies adopted as part of the Watershed Plan.
3. That the Ministry of Natural Resources accept the responsibility of coordinating the development and administration of the Niagara Escarpment Park System.
4. That those statements in the Proposed Plan referring to conservation authority permit requirements for building and construction in flood plain lands be expanded to recognize approval requirements for placing of fill in specified areas and for alterations, diversions or interference with any watercourse.

RECOMMENDATION:

None.

REASONS:

We are of the opinion that the Niagara Escarpment Proposed Plan does not prohibit forestry on publicly owned lands and as far as the other recommendations of the Authority are concerned no recommendations by us are necessary.

FILE NO. 400-8

SUBMISSION NO. 237

OWNER: John Alexander
LAND: Lot 15, Concession 2
Town of Caledon

SUMMARY OF SUBMISSION:

Mr. Alexander is a past president of the Caledon Ratepayers' Association and dealt with a number of local issues from the past which do not have too much bearing on the issue at hand. Mr. Alexander, although basically supportive of the Commission, looks on it more or less as a "resolve group" to settle local disputes. Another area which concerns Mr. Alexander is the extraction of aggregate from Escarpment lands and he made several suggestions regarding the controls which he feels are appropriate.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. 400-19

SUBMISSION NO. 238

AGENT: L. Murray Eades, President

GROUP: Caledon Ratepayers' Association Inc.

SUMMARY OF SUBMISSION:

Mr. Eades presented the submission on behalf of this group and points covered were pretty much a repeat of John Alexander's brief. They support retention of the Niagara Escarpment Commission but are concerned with the mineral aggregate policy. He expressed the opinion that the area remain in residential and recreational uses.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. 400-2

SUBMISSION NO. 239

OWNER: Mrs. Helen Stewart

LAND: E 1/2 Lot 22, Concession 6
Town of Caledon

SUMMARY OF SUBMISSION:

This submission expresses concern as to the effect of the Niagara Escarpment Commission's Proposed Plan on the future use of this property. The Plan designates it as Escarpment Rural, however, the provisions of the Mono Mills Minor Urban Centre would apply. At present the Caledon Official Plan regarding establishment of boundaries has been referred to the Ontario Municipal Board for adjudication.

RECOMMENDATION:

None.

REASONS:

The majority of these lands have been recommended for deletion under Submission 229 (Regional Municipality of Peel).

OWNER: Highfields Farm Limited

AGENT: Clair Stewart, President

SUMMARY OF SUBMISSION:

This submission, while presented at this Phase II hearing, really dealt with the Proposed Plan generally and was primarily concerned with the opinion that the wording of the Plan does not allow for flexibility. In this regard it was submitted that since development control is the preferred method of implementing the Plan that some degree of flexibility will be involved in that process.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in recommendations, comments and reasons in the general section of this report.

FILE NO. 400-11

SUBMISSION NO. 241

AGENT: G. Lawrence Buchanan

GROUP: Caledon Hills Bruce Trail Club

SUMMARY OF SUBMISSION:

This brief which was presented on behalf of this group confined itself as to how the Proposed Plan affects the Bruce Trail and the relationship with landowners. It emphasized the importance of a good relationship between landowners and the Bruce Trail Club. They feel that the use of roads for the Trail is not a completely satisfactory one, however, they do support the idea of having a continuous hiking trail from Niagara to Tobermory.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 400-13

SUBMISSION NO. 242

AGENT: Brian Czajer, Conservation Planner

GROUP: Credit Valley Conservation Authority

SUMMARY OF SUBMISSION:

The Authority above named has indicated it supports in principle the Proposed Plan. In this Phase II Peel section hearing that position is not affected. However there are certain minor concerns expressed in the brief where names given various lands in the Plan are not in accord with those commonly expressed by the Conservation Authority. This submission recommended that in order to avoid confusion the list of such names be revised.

RECOMMENDATION:

None.

REASONS:

We feel this is a matter that the Niagara Escarpment Commission should take under advisement.

FILE NO. 400-5

SUBMISSION NO. 243

OWNER: Mrs. Norma E.L. Booth

LAND: Lots 9 and 10, Concession 1 E.H.S.
Town of Caledon

SUMMARY OF SUBMISSION:

The main concern of this submission was the small number of severances that would be allowed under the Proposed Plan and in this regard it supports the Town of Caledon's submission (No. 234) that recommended an increase in the number of severances permitted.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in recommendations, comments and reasons in the general section of this report.

OWNER: Ken Heltcher
GROUP: Terra Cotta Gardens Ltd.
LAND: Part Lot 29, Concession 6 W.H.S.
Town of Caledon

SUMMARY OF SUBMISSION:

The subject lands are presently used as a trailer park and have been so used for some years. The Proposed Plan places this property in an Escarpment Protection Area which the owner feels could curtail the expansion of the existing use at some future date. He requests that his lands be placed in an Escarpment Rural Area because of the recreational use now as a serviced campground.

RECOMMENDATION:

None.

REASONS:

These lands are included in one of the areas to be deleted from the Proposed Plan, dealt with in Submission 229 (Regional Municipality of Peel).

FILE NO. 400-3

SUBMISSION NO. 245

AGENT: Mrs. Bonnie Weaver

GROUP: Halton Field Naturalists

SUMMARY OF SUBMISSION:

This submission was made by Mrs. Bonnie Weaver who holds a Masters Degree in biology and was in general support of the Proposed Plan and emphasized the need for conformity in the Plan for the whole of the Escarpment area.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 400-6

SUBMISSION NO. 246

AGENT: Mrs. Verna Flowers, Chairperson

GROUP: Association of Peel People Evaluating Agricultural Land

SUMMARY OF SUBMISSION:

This submission does not fully address itself to the Niagara Escarpment Commission's Proposed Plan. It would appear that the comments made are more aptly directed to the Regional Municipality of Peel. In its recommendations however, the brief does support the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 400-25

SUBMISSION NO. 247

OWNER: George Harris

LAND: Part Lot 11, Concession 4 and 5 W.H.S.
Town of Caledon

SUMMARY OF SUBMISSION:

Mr. Harris owns some 66 acres on Dufferin Lake. The lake is some 10 acres in size and his lands surround it and is improved with a residence. The subject land is proposed as a Candidate Nature Reserve in the Proposed Plan and Mr. Harris is delighted with this designation and fully supports it.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 400-7

SUBMISSION NO. 248

AGENT: Robert Leverty

GROUP: Coalition on the Niagara Escarpment

SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan as it pertains to the Regional Municipality of Peel and emphasized that there should be no more deletions to the area covered by the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. 400-23

SUBMISSION NO. 249
(Written Only)

OWNER: Clifford R.J. Smith

LAND: W 1/2 Lot 4 and S 1/2 Lot 5, Concession 3 W.H.S.
Town of Caledon

SUMMARY OF SUBMISSION:

This was a written submission which was read at the conclusion of the Phase II hearing in Caledon East. The property is known as Caledon Heath Farm and consists of some 155 acres. It is used as a thoroughbred horse breeding farm. The lands are proposed as Escarpment Rural in the Proposed Plan.

Mr. Smith feels that because his property is well removed from the face of the Escarpment it should be removed from the Plan.

EXHIBIT:

158. Air photo showing property of Clifford R.J. Smith, West Half Lot 4, South Half Lot 5, Concession 3 W.H.S., Town of Caledon, Regional Municipality of Peel.

RECOMMENDATION:

None.

REASONS:

On the basis of the evidence adduced we are of the opinion that this property is properly included in the Proposed Plan and properly designated.

FILE NO. S 400-26

SUBMISSION NO. 696

COUNSEL: Gary J. Smith

OWNER: Regan-Graham Limited

LAND: Part Lot 12, Concession 1 W.H.S.
Lot 12, Concession 2 W.H.S.
Town of Caledon

SUMMARY OF SUBMISSION:

None.

RECOMMENDATION:

None.

REASONS:

On appearance of legal counsel before the hearing officers this application was withdrawn.

FILE NO. S 400-25

SUBMISSION NO. 697

AGENT: Eric Salmond, Director

GROUP: Foundation for Aggregate Studies

SUMMARY OF SUBMISSION:

This submission is in support of the Niagara Escarpment Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

